# Case 3:20-cv-01446-JKM Document 180-4 Filed 05/15/23 Page 1 of 66 Jennifer Wilbert Confidential February 24, 2023

| February   | 24, 2023                                       |
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| UNITED STATES DISTORTED FOR THE MIDDLE DISTRICT OF           | Ξ  |
| ,  | -<br>Civil Action No.<br>3:20-cv-01446-RDM-MCC |
| Plaintiff, )   |  |
| vs )   |  |
| US BANK NA, et al, )   |  |
| Defendants. )  |  |
| VIRTUAL DEPOSITION O   | -<br>F JENNIFER WILBERT                        |
| REPRODUCTION OF THIS TRANSOWITHOUT AUTHORIZATION FROM AGENCY |  |

## Case 3:20-cv-01446-JKM Document 180-4 Filed 05/15/23 Page 2 of 66 Jennifer Wilbert Confidential

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|  | Page 2   |  | Page 3  |
| 1  | VIRTUAL DEPOSITION OF JENNIFER   | 1  | For the Defendant, National Collegiate Student  |
| 2  | WILBERT, a witness herein, called by the   |  | Loan Trust 2007-3:  |
| 3  | Plaintiffs, for examination, taken pursuant to   | 2  | Justin G. Weber, Esq.   |
| 4  | the Federal Rules of Civil Procedure, by and   | 3  | Troutman Pepper<br>3000 Two Logan Square  |
| 5  | before Karen A. Nickel, a Certified Realtime   |  | Eighteenth and Arch Streets   |
| 6  | Reporter and a notary public in and for the  | 4  | Philadelphia, PA 19103  |
| 7  | Commonwealth of Pennsylvania, held remotely  |  | justin.weber@troutman.com   |
| 8  | with all parties appearing from their  | 5  | For the Defendant, Ratchford Law Group:   |
| 9  | respective locations, on Friday, February 24,  | 6  | Andrew M. Schwartz, Esq.  |
| 10   | 2023, at 11:00 a.m.  |  | Gordon Rees   |
| 11   | COUNSEL PRESENT:   | 7  | Three Logan Square  |
|  | For the Plaintiffs:  | 8  | 1717 Arch Street<br>Suite 610   |
| 12   | Christina Henry, Esq.  | 0  | Philadelphia, PA 19103  |
|  | Henry & DeGraaff, P.S.   | 9  | amschwartz@grsm.com   |
| 13   | 119 First Avenue South   | 10   | For the Defendant, Transworld Systems, Inc.:  |
|  | Suite 500  | 11   | Bryan C. Shartle, Esq.<br>Bradley J. St. Angelo, Esq.   |
| 14   | Seattle, WA 98104  | 1  | Sessions, Israel & Shartle, LLC   |
|  | chenry@hdm-legal.com   | 12   | 3850 North Causeway Boulevard   |
| 15   |  |  | Suite 200   |
|  | Robert P. Cocco, Esq.  | 13   | Metairie, LO 70002  |
| 16   | Robert P. Cocco, PC  | 14   | bshartle@sessions.legal<br>bstangelo@sessions.legal   |
|  | 1500 Walnut Street, Suite 900  | 15   | For the Deponent:   |
| 17   | Philadelphia, PA 19102   |  | Stacey A. Scrivani, Esq.  |
|  | bob.cocco@phillyconsumerlaw.com  | 16   | Stevens & Lee   |
| 18   |  | 17   | 111 North Sixth Street<br>Reading, PA 19601   |
|  | Scott C. Borison, Esq.   | 1  | stacey.scrivani@stevenslee.com  |
| 19   | Borison Law Firm, LLC  | 18   | •   |
|  | 5500 Buckeystown Pike  | 19   |   |
| 20   | Frederick, MD 21703  | 20   | INDEX   |
| 21   | For the Defendant, U.S. Bank, NA:  | 20   | WITNESS PAGE  |
|  | Albert J. Rota, Esq.   | 21   | 11102   |
| 22   | Jones Day  |  | Jennifer Wilbert  |
|  | 2727 North Harwood Street  | 22   | Dec May 11-11-11  |
| 23   | Suite 500  | 23   | By Ms. Henry 6, 137 By Ms. Scrivani 132   |
|  | Dallas, TX 75201   | 23   | By Mr. Shartle 133  |
| 24<br>25   | ajrota@jonesday.com  | 24   | By Mr. Rota 134   |
|  |  | 25   |   |
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| 1  | EXHIBITS   | 1  | PROCEEDINGS   |
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| 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24   | NUMBER DESCRIPTION PAGE  Exhibit 1 Subpoena with Exhibit A 9  Exhibit 2 Wilbert Declaration 64  Exhibit 3 PHEAA-GOSSE-000017 - 000300 102  Exhibit 4 PHEAA-GOSSE-000301- | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | PROCEEDINGS  THE COURT REPORTER: The attorneys participating in this deposition acknowledge that I am not physically present in the deposition room and that I will be reporting this deposition remotely.  They further acknowledge that, in lieu of an oath administered in person, the witness will verbally declare her testimony in this matter is under penalty of perjury.  The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting. Please indicate your agreement by stating your name and your agreement on the record.  MS. SCRIVANI: Stacey Scrivani, we agree on behalf of the witness.  MR. ROTA: Al Rota, we agree on behalf of U.S. Bank.  MS. HENRY: Christina Henry, we agree on behalf of the Plaintiffs.  MR. SHARTLE: This is Bryan Shartle. We agree on behalf of Transworld Systems, Inc. |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | NUMBER DESCRIPTION PAGE  Exhibit 1 Subpoena with Exhibit A 9  Exhibit 2 Wilbert Declaration 64  Exhibit 3 PHEAA-GOSSE-000017 - 000300 102  Exhibit 4 PHEAA-GOSSE-000301- | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | PROCEEDINGS  THE COURT REPORTER: The attorneys participating in this deposition acknowledge that I am not physically present in the deposition room and that I will be reporting this deposition remotely.  They further acknowledge that, in lieu of an oath administered in person, the witness will verbally declare her testimony in this matter is under penalty of perjury.  The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting. Please indicate your agreement by stating your name and your agreement on the record.  MS. SCRIVANI: Stacey Scrivani, we agree on behalf of the witness.  MR. ROTA: Al Rota, we agree on behalf of U.S. Bank.  MS. HENRY: Christina Henry, we agree on behalf of the Plaintiffs.  MR. SHARTLE: This is Bryan Shartle. We agree on behalf of Transworld               |

| Schwartz, we agree on behalf of Ratchford Group.  MR. MOMER: Justin Weber, agree on behalf of Ratchford Logistas Student.  Loan Trust 2007-2.  JENNIFER WILEERT, a witness borein, having been first duly secon, was examined and testified as follows:  EXMINENT:  BY MS. HENCY:  MS. HEN |  |   |  |   |
|--|--|---|--|---|
| 2   Group.   3   MR. MENNER: Justin Neber,   4   agree on behalf of National Collegiate Student   5   Loan Trust 2007-3.   5   Was in the Loan Was in the Loan Trust 2007-3.   5   Was in the Loan Was in the Loan Trust 2007-3.   5   Was in the Loan Was in the Loan Trust 2007-3.   5   Was in the Loan Trust 2007-3.   5   Was in the Loan Was in the Loan Trust 2007-3.   5   Was in the Loan Was in the Loan Was in the Loan Trust 2007-3.   5   Was in the Loan Was in the Lo   | 1  | Page 6  | 1  | Page 7  |
| agree on behalf of National Collegiate Student  Learn Trust 2007-3.  CHENNETER MILERET, a witness herein, having been first ally sworm, was examined and testified as follows:  BY MS. HENRY:  C. Cood morning.  A. Cood morning.  BY MS. HENRY:  C. Cood morning.  A. Cood morning.  BY MS. HENRY:  D. BY MS. HENRY:  D. Cood morning.  C. Cood morning.  D. HENRY:  D. HENRY:  D. Cood morning.  D. HENRY:  D. Cood morning.  D. HENRY:  D. HEN |  |   |  | •   |
| agree on behalf of National Collegiate Student Loan Trust 2007-3.  SINNIFER WILERET, a witness herein, having been first duly exorm, was examined and testified as follows:  BY MS. HENNY:  C. Good morning.  NS. HENNY:  NS.  |  | -   |  | -   |
| Sound Trust 2007-3.  |  | •   |  | * '   |
| baving been first duly sworn, was examined and teatified as follows:    FORMINATION   PREMA HENRY:   10   PREMA throughout today, gursuant to a Subpoena. The final topic document requests were provided late in the day yesterday in the bandled in this matter. I'm going to ask Al page agreed that an objection made on behalf of permsylvania. Plaintiff's and the premature of all the other Defendants.   17   Premay that we all have different clients, more than one of us may object at any time. I was a proposed that.   18   Premay to those topics in connection with the statement.   19   Premay to the state your full name for the record.   19   Premay to the state your full name for the record.   19   Premay to the state your full name for the record.   19   Premay to the state your full name for the record.   19   Premay to the state your full name for the record.   20   Premay to the particular of the particular of the particular of the permission.   21   Premay to the particular of the permission of the permi |  | S S   |  |   |
| having been first duly sworn, was examined and testified as follows:  EXMINISTION  BY MS. HENRY:  O. Good morning.  MS. HENRY:  Before we get the started, there has been an agreement between the Befendants about how objections will be the Defendants about how objections will be the Befendants about how objection will be the Befendants about how objections will be the Befendants will count as an objection made on behalf of one Defendant will count as an objection on behalf of one Defendant will count as an objection on behalf of one Defendant will count as an objection on behalf of one Defendant will count as an objection on behalf of one Defendant will count as an objection to a clients, more than one of us may object at any time, but we're going to endeavor to try to avoid that.  Fage 8 the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live, B. Jennifers?  A. I an at the PHEAA handpuarter to behalf of permaylvania. The parties between the plaintiff. Can I ask you to state your one power to try to avoid that.  The permaylvania.  Pe |  |   |  | 3   |
| behalf of Pennsylvania Higher Education  BY MS. HERRY:  10   |  |   |  |   |
| BY MS. HENRY:  10  | 7  | having been first duly sworn, was examined and  | 7  | 3   |
| 10 BY MS. HENRY: 11 Q. Good morning. 12 A. Good morning. 13 NS. HENRY: Before we get 14 started, there has been an agreement between 15 the Defendants about how objections will be 16 handled in this matter. I'm going to ask Al 17 Rota to put that agreement on the record. 18 NEOTA: The parties have 19 agreed that an objection made on behalf of one 20 Defendant will count as an objection on behalf of one 21 Ocienta, more than one of us may object at any time. 22 Given that we all have different 23 clients, more than one of us may object at any time. but we're going to endeavor to try to 24 time, but we're going to endeavor to try to 25 avoid that.  Page 8 1 the actorney for the Plaintiff. Can I ask you 2 to state your full name for the record. 3 A. Jennifer Susan Wilbert. 4 Q. Sorry, can you say that one more 5 time? 5 A. Jennifer Susan Wilbert. 6 A. Jennifer Susan Wilbert. 7 Q. Thank you. And where do you live, 8 Jennifer? 9 A. I live in New Cumberland, 10 Pennsylvania. 11 Q. And where are you physically now? 12 A. I am at the PHEAA headquarter 13 Duilding in Harrisburg, Pennsylvania, from your home? 14 A. Rota to remittes. 15 Pennsylvania, from your home? 16 A. About ten mimutes. 16 A. About ten mimutes. 17 Q. I'm going to take your deposition. 18 Pennsylvania Higher Education Services. 19 A. Penrican Education Services. 20 Q. American Education Services. 21 Serviced at any to day the day of the pennsylvania to proported deposition of pennsylvania Righer Education Services. 22 A. Penerican Education Services. 23 A. Penerican Education Services. 24 B. Pennsylvania Education Services. 25 BY MS. HENRY: 26 A. American Education Services. 27 A. Page 1, with today's date and time. I never  | 8  | testified as follows:   | 8  | behalf of Pennsylvania Higher Education   |
| 11 Q. Good morning. 12 A. Good morning. 13 NS. LEMENY: Before we get 14 started, there has been an agreement between 15 the Defendants about how objections will be 16 handled in this matter. I'm going to ask Al 17 Rota to put that agreement on the record. 18 MR. ROTA: The parties have 19 agreed that an objection and no behalf of one 20 Defendant will count as an objection on behalf 21 of all the other Defendants. 22 Given that we all have different 23 clients, more than one of us may object at any 24 time, but we're going to endeavor to try to 25 avoid that. 26 Page 8 1 the attorney for the Plaintiff. Can I ask you 2 to state your full name for the record. 3 A. Jennifer Susan Milbert. 4 Q. Sorry, can you say that one more 5 time? 5 A. Jennifer Susan Milbert. 6 A. Jennifer Susan Milbert. 7 Q. Thank you. And where do you live, 8 Jennifer? 8 A. I live in New Cumberland, 10 Pennsylvania. 11 Q. And where are you physically now? A. I am at the HEBA headquarter 12 Land how far is Harrisburg, 13 Pennsylvania, from your home? 14 A. About ten minutes. 15 Pennsylvania, Higher Education Sevices. 16 A. About ten minutes. 17 Q. If you have do you does not have you can see that document is going to be marked for identification. 18 MR. ROTA: The final topic document the dollowing several weeks of disconsions between myself and counsel for HEBA and Plaintiff's counsel, Mr. Cocco, during which we discoused Harbar myself and counsel for HEBA and Plaintiff's counsel, Mr. Cocco, during which we discoused the myself and counsel for HEBA and Plaintiff's counsel, Mr. Cocco, during which we discoused the myself and counsel for HEBA and Plaintiff's counsel, Mr. Cocco, during which we discoused the myself and counsel, Mr. Cocco, during which we discoused the myself and counsel, Mr. Cocco, during which we discoused the myself and counsel, Mr. Cocco, during which we discoused the myself and counsel, Mr. Cocco, during which we discoused the myself and counsel, Mr. Cocco, during which we discoused the myself and counsel, Mr. Cocco, durin the | 9  | EXAMINATION   | 9  | 5 -   |
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| MS. HENRY: Before we get started, there has been an agreement between the Defendants about how objections will be handled in this matter. I'm going to ask Al Rota to put that agreement on the record.  MR. ROTA: The parties have gered that an objection made on behalf of one befendant will count as an objection on behalf of of all the other Defendants.  Given that we all have different clients, more than one of us may object at any time, but we're going to endeavor to try to avoid that.  Page 8 the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live, Burnifer?  A. I live in New Cumberland, Pennsylvania. Q. And where are you physically now? A. I am at the PHEAA headquarter building in Harrisburg, Pennsylvania. Q. And how far is Harrisburg. Pennsylvania, from your home? A. About ten minutes. Q. I'm going to take your deposition. This is the comporate deposition of Services. A. Bancian Education Services. C. American Education Services. C. C. American Education Services. C. C. C. American Education Services. C. C. C. American Education Services. | 11   | Q. Good morning.  | 11   | The final topic document requests   |
| the Defendants about how objections will be the A and agreement of the record.  MR. ROTA: The parties have Berendant will count as an objection on behalf of all the other Defendants.  Given that we all have different clients, more than one of us may object at any time, but we're going to endeavor to try to avoid that.  Page 8 the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jemnifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jemnifer Susan Wilbert.  Q. Thank you. And where do you live, Bernsylvania.  10 Q. And where are you physically now? Lemnifer Susan it is pennsylvania. Q. And how far is Harrisburg, Pennsylvania, from your home? A. About ten mimutes. Q. I'm going to take your deposition. Bernaylvania, from your home? Apency, otherwise known as PiERAA. HEEAA also does business as American Bducation Services.  A. Merican Supplement that I'm seeing lock of any shad and Plaintiff's course, which is not otherwise to be inquired into, specifically, that reference to the theower issue, which is not otherwise defined in the Subpoena. Exhibit A, Tefers to whether National Collegiate Student Loan Trust 2007-3 is the owner of Plaintiff's loan, and Me. Wilbert is prepared to testify with respect to those topics in connection with that statement.  Page 8 the attorney for the Plaintiff. Can I ask you time, but we're going to make of you live, and I'm going to put in the chat here can you see that?  A. Yes.  Q. Ind I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is a Subpoena.  And if I go to the next page, it is the updated topics, Exhibit A,    | 12   | A. Good morning.  | 12   | were provided late in the day yesterday   |
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| 16   handled in this matter. I'm going to ask Al   16   Rota to put that agreement on the record.   17   18   20   20   20   20   21   22   23   24   24   25   25   25   26   26   26   26   26   | 14   | started, there has been an agreement between  | 14   | myself and counsel for PHEAA and Plaintiff's  |
| 17 Rota to put that agreement on the record. 18  | 15   | the Defendants about how objections will be   | 15   | counsel, Mr. Cocco, during which we discussed   |
| 18 MR. ROTA: The parties have 19 agreed that an objection made on behalf of one 20 Defendant will count as an objection on behalf 21 of all the other Defendants. 22 Given that we all have different 23 clients, more than one of us may object at any 24 time, but we're going to endeavor to try to 25 avoid that.  26 Page 8 27 the attorney for the Plaintiff. Can I ask you 28 to state your full name for the record. 29 A. Jennifer Susan Wilbert. 20 C. Sorry, can you say that one more 20 Defendant will count as an objection on behalf 21 to state your full name for the record. 22 to state your full name for the record. 23 A. Jennifer Susan Wilbert. 24 Q. Sorry, can you say that one more 25 time? 26 A. Jennifer Susan Wilbert. 27 Q. Thank you. And where do you live, 28 Jennifer? 29 A. I live in New Cumberland, 20 And where are you physically now? 21 A. I am at the PHEAA headquarter 22 A. About ten minutes. 23 A. About ten minutes. 24 A. About ten minutes. 25 A. Asen; on your home? 26 A. About ten minutes. 27 Pennsylvania, Higher Education Assistance 28 A. American Education Services. 29 A. A. American Education Services. 20 Q. American Education Services. 21 the owner issue, which is not otherwise defined in the subpoena, Exhibit A, refers to whether 20 National Collegiate Student Loan Trust 2007-3 21 is the owner issue, which is not otherwise of Palaintife's loan, and Ms. 21 is the owner issue, which is not otherwise of Palaintife's loan, and Ms. 22 Wilbert is prepared to testify with respect to those topics in connection with that statement. 22 Wilbert is prepared to testify with respect to those topics in connection with that statement. 23 by the owner issue, which is not otherwise loan Trust 2007-3 24 Expending to endeavor to try to 25 white tis papered to testify with respect to those topics in connection with that statement. 26 Wilbert is prepared to testify with respect to those topics in connection with that statement. 27 By Ms. HERRY: 28 And I'm going to put in the chat here can you see that? 39 A. Yes. 40 Q.     | 16   | handled in this matter. I'm going to ask Al   | 16   | PHEAA's understanding of the narrow issue to be   |
| agreed that an objection made on behalf of one Defendant will count as an objection on behalf of all the other Defendants.  Given that we all have different clients, more than one of us may object at any time, but we're going to endeavor to try to avoid that.  Page 8 the attorney for the Plaintifff. Can I ask you to state your full name for the record. A. Jennifer Susan Wilbert. Q. Sorry, can you say that one more time? A. Jennifer Susan Wilbert. Q. Thank you. And where do you live, Burnifer? A. I live in New Cumberland, Pennsylvania. Q. And where are you physically now? Dennsylvania, from your home? A. About ten minutes. Q. I'm going to take your deposition. This is the corporate deposition of Pennsylvania Higher Education Services. A. Aerican Education Services. A. Aerican Education Services. A. Aerican Education Services. A. And when are by open and the subposena, Exhibit A, refers to whether National Collegiate Student Loan Trust 2007-3 his the owner of Plaintiff's loan, Trust 2007-3 his the owner of Plaintiff's loan Trust 2007-3 his the owner of Plaintiff's loan Trust 2007-3 his the owner of Plaintiff's loan, Trust 2007-3 his the owner of Plaintiff's loan Trust 2007-3 his the owner of Plaintiff's loan Trust 2007-3 his the owner of Plaintiff's loan, and Ms. Wilbert is prepared to testify with respect to those topics in connection with that statement. BY MS. HENRY: Q. My name is Christina Henry and I'm  Page 9 here can you see that? A. Yes. Q. Let me try that again. Let me open it first. Okay. Can you see that? A. Yes. I can. C. Let me try that again. Let me open it first. Okay. Can you see that document? A. Yes, I can. C. Let me try that again. Let me open it firsts. Okay. Can you see that owner. C. And I also should put this in the chat, this document? A. I am at the PHEAA headquarter C. And where are you physicall    | 17   |   | 17   | inquired into, specifically, that reference to  |
| Defendant will count as an objection on behalf of all the other Pefendants.  Given that we all have different time, but we're going to endeavor to try to avoid that.  Page 8 the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  O. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  O. Thank you. And where do you live, Burnifer?  A. I live in New Cumberland, Pennsylvania.  Pennsylvania.  O. And where are you physically now?  A. I am at the PHEAA headquarter building in Harrisburg, Pennsylvania, from your home?  A. About ten minutes.  O. I'm going to put in the chat here can you see that document is a Subpoena.  And I'm going to put in the chat here can you see that document?  A. Yes, I can.  O. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is a Subpoena.  A. I am at the PHEAA headquarter to be Exhibit A. This document is a Subpoena.  A. About ten minutes.  O. I'm going to put in the chat.  And I'm going to put in the chat here can you see that?  A. Yes, I can.  O. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is a Subpoena.  And if I go to the next page, it is the updated topics, Exhibit A. This document is a Subpoena.  A. About ten minutes.  O. I'm going to be marked for identification.)  Pennsylvania, from your home?  A. Bey is that corporate deposition of the pennsylvania Risher Education Assistance to today's deposition. Have you seen this document and have you reviewed it?  Mibert is prepared to testify with respect to those vice from any object, with the pennsylvania have you reviewed it?  M. S. GRIVANI: I'm going to put in the chat. here can you see that?  A. Yes.  O. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in t             | 18   | MR. ROTA: The parties have  | 18   | the owner issue, which is not otherwise defined   |
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| of all the other Defendants.  Given that we all have different clients, more than one of us may object at any time, but we're going to endeavor to try to 24 the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jemnifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jemnifer Susan Wilbert.  Q. Thank you. And where do you live, Bennsylvania.  Q. And where are you physically now?  A. I am at the PHEBA headquarter building in Harrisburg, Pennsylvania, from your home?  A. About tem minutes.  Q. I'm going to put in the chat boccument is going to be marked ase Exhibit 1, which is a Subpoena for today's deposition. Have you seen this document and have you reviewed it?  A. About em minutes.  Q. I'm going to put in the chat here can you see that?  A. Yes.  Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is going to be Exhibit A. This document is a Subpoena.  A. About ten minutes.  Q. I'm going to put in the chat  here can you see that?  A. Yes.  Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is going to be Exhibit A. This document is a Subpoena.  A. About ten minutes.  Q. I'm going to put in the chat  here can you see that?  A. Yes.  Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is a Subpoena.  A. Jemnifer?  BY MS. HENRY:  Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document is going to be Exhibit A. This document is a Subpoena.  A. Jemnifer Susan Wilbert.  Q. I'm going to take your deposition.  Q. I'm going to take your deposition.  Pennsylvania Higher Education Assistance  Agency, otherwise known as PHERA. PHERA also document and have you reviewed           | 20   | Defendant will count as an objection on behalf  | 20   | National Collegiate Student Loan Trust 2007-3   |
| clients, more than one of us may object at any time, but we're going to endeavor to try to avoid that.  Page 8 the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert. Q. Sorry, can you say that one more time? A. Jennifer Susan Wilbert. Q. Sorry, can you say that one more time? A. Jennifer Susan Wilbert. Q. Thank you. And where do you live, Jennifer? A. I live in New Cumberland, Jennifer. A. I am at the PHEAA headquarter Q. And if I go to the next page, it is the updated to be Exhibit A. This document is a Subpoena. A. I am at the PHEAA headquarter Q. And if I go to the next page, it is the updated topics, Exhibit A for this deposition. Q. And how far is Harrisburg, Pennsylvania. Q. And how far is Harrisburg, Pennsylvania from your home? This is the corporate deposition of Pennsylvania Higher Education Assistance Agency, otherwise known as PHEAA. PHEAA also do Response to the corporate of the subsciness as American Education Services. Q. American Education Services. Q. American Education Services. Leave the statement. BY MS. HENRY: Q. My name is Christina Henry and I'm BY MS. HENRY: Q. My name is Christina Henry and I'm Page 9 And I'm going to put in the chat here can you see that? A. Yes.  Q. Let me try that again. Let me open it first. Okay. Can you see that document? A. Yes, I can. Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document? A. Il right. If everyone can see that document in the chat, this document is going to be Exhibit A. This document is a Subpoena. And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  Q. And how far is Harrisburg, Pennsylvania, from your home? A. About ten minutes. Q. I'm going to take your deposition. Pennsylvania Higher Education Assistance Agency, otherwise known as PHEAA. PHEAA also does business as American Education System or A. A. American Education Services. A. American Education Services. A. A. Amer    | 21   | of all the other Defendants.  | 21   |   |
| clients, more than one of us may object at any time, but we're going to endeavor to try to avoid that.  Page 8 the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live, Bennsylvania.  Q. And where are you physically now?  A. I am at the PHEAA headquarter Dennsylvania.  Q. And how far is Harrisburg, Pennsylvania.  Q. And how far is Harrisburg, Pennsylvania Higher Education Assistance Agency, otherwise known as PHEAA. PHEAA also do Q. American Education Services.  A. American Education Services.  Page 8 BY MS. HENNY:  Q. My name is Christina Henry and I'm BY MS. HENNY:  Q. My name is Christina Henry and I'm BY MS. HENNY:  Q. My name is Christina Henry and I'm  Page 9 And I'm going to put in the chat here can you see that?  A. Yes.  Q. Let me try that again. Let me open it first. Okay. Can you see that document?  A. Yes, I can.  Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is going to be Exhibit A. This document is a Subpoena.  And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  Q. And how far is Harrisburg,  Page 9 And I'm going to be that document is document in the chat, this document is going to be marked for identification.)  BY MS. HENNY:  Q. So this exhibit No. 1 was marked for identification.)  BY MS. HENNY:  Q. So this exhibit is going to be marked as Exhibit 1, which is a Subpoena for today's deposition. Have you seen this document and have you reviewed it?  MS. SCRIVANI: I'm going to put I'm  BY MS. HENNY:  Q. More it and I'm  Page 9 And I'm going to the chat  A. Yes.  Q. Let me try that again. Let me open it first. Okay. Can you see that document?  A. I am at the PhEAA headquarter  10 Dennsylvania.  10 Dennsylvania.  11 Dennsylvania.  12 Dennsylvania from your home?  13 Dennsylvania from y    | 22   | Given that we all have different  | 22   | Wilbert is prepared to testify with respect to  |
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| 25 avoid that.  26 Q. My name is Christina Henry and I'm  Page 8 1 the attorney for the Plaintiff. Can I ask you 2 to state your full name for the record. 3 A. Jennifer Susan Wilbert. 4 Q. Sorry, can you say that one more 5 time? 6 A. Jennifer Susan Wilbert. 7 Q. Thank you. And where do you live, 8 Jennifer? 9 A. I live in New Cumberland, 10 Pennsylvania. 11 Q. And where are you physically now? 12 A. I am at the PHEAA headquarter 13 building in Harrisburg, Pennsylvania. 14 Q. And how far is Harrisburg, 15 Pennsylvania, from your home? 16 A. About ten minutes. 17 Q. I'm going to put in the chat 18 Chat so you see that? 19 document in the chat, this document? 10 be Exhibit A. This document is a Subpoena. 11 And if I go to the next page, it is the updated topics, Exhibit A for this deposition. 14 Q. And how far is Harrisburg, 15 Pennsylvania, from your home? 16 A. About ten minutes. 17 Q. I'm going to take your deposition. 18 This is the corporate deposition of 19 Pennsylvania Higher Education Assistance 20 Agency, otherwise known as PHEAA. PHEAA also does business as American Education System or 21 A. American Education Services. 22 A. American Education Services. 23 A. Wes. 24 Page 1, with today's date and time. I never   |  |   |  | -   |
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| the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live, Bennifer?  A. I live in New Cumberland, Pennsylvania.  Q. And where are you physically now?  A. I am at the PHEAA headquarter building in Harrisburg, Pennsylvania.  Q. And how far is Harrisburg, Pennsylvania, from your home?  A. About ten minutes.  Q. T'm going to put in the chat here can you see that?  A. Yes.  A. Yes.  Q. Let me try that again. Let me open it first. Okay. Can you see that document?  A. Yes, I can.  Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document is going to be Exhibit A. This document is going to be this document in the chat, this document is going to be to building in Harrisburg, Pennsylvania.  Q. And where are you physically now?  A. I am at the PHEAA headquarter  Q. And how far is Harrisburg,  Pennsylvania, from your home?  A. About ten minutes.  Q. T'm going to take your deposition.  Pennsylvania Higher Education Assistance  Agency, otherwise known as PHEAA. PHEAA also does business as American Education System or  AES; is that correct?  A. American Education Services.  A. American Education Services.  A. American Education Services.  And I'm going to put in the chat.  A. Yes.  A    |  |   |  |   |
| A. Jennifer Susan Wilbert. Q. Sorry, can you say that one more time? A. Jennifer Susan Wilbert. Q. Thank you. And where do you live, Burnifer? A. I live in New Cumberland, Q. And where are you physically now? A. I am at the PHEAA headquarter Building in Harrisburg, Pennsylvania. Q. And how far is Harrisburg, A. About ten minutes. Q. I'm going to take your deposition. Burnifer Susan Wilbert. Q. Agency, otherwise known as PHEAA. PHEAA also Q. American Education Services. A. Apol Let me try that again. Let me open it first. Okay. Can you see that document? A. Yes, I can. Q. Let me try that again. Let me open it first. Okay. Can you see that document? A. Yes, I can. Q. And I also should put this in the chat, this document in the chat, this document is going to document in the chat, this document is going to be Exhibit A. This document is going to be Exhibit A. This document is a Subpoena. And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  By MS. HENRY:  Q. So this exhibit I, which is a Subpoena for today's deposition. Have you seen this decument and have you reviewed it?  And Exhibit A. This  |  | Page 8  |  | Page 9  |
| 4 Q. Sorry, can you say that one more 5 time? 6 A. Jennifer Susan Wilbert. 7 Q. Thank you. And where do you live, 8 Jennifer? 9 A. I live in New Cumberland, 10 Pennsylvania. 11 Q. And where are you physically now? 11 be Exhibit A. This document is a Subpoena. 12 A. I am at the PHEAA headquarter 13 building in Harrisburg, Pennsylvania. 14 Q. And how far is Harrisburg, 15 Pennsylvania, from your home? 16 A. About ten minutes. 17 Q. I'm going to take your deposition. 18 This is the corporate deposition of 19 Pennsylvania Higher Education Assistance 20 Agency, otherwise known as PHEAA. PHEAA also 21 does business as American Education Services. 24 Q. American Education Services. 25 Let me try that again. Let me open it first. Okay. Can you see that document? 26 A. Yes, I can. 27 Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document is document in the chat, this document is going to be Exhibit A. This document is a Subpoena. 28 And if I go to the next page, it is the updated topics, Exhibit A for this deposition. 29 About ten minutes. 20 Agency of herwise known as PHEAA also document in the chat, this document is going to to be Exhibit A. This document is a Subpoena. 29 And if I go to the next page, it is the updated topics, Exhibit A for this deposition. 30 Agency of how far is Harrisburg, have updated topics, Exhibit A for this deposition. 31 (Deposition Exhibit No. 1 was marked for identification.) 32 Agency, otherwise known as PHEAA also document and have you reviewed it? 33 A. American Education Services. 34 A. American Education Services. 45 Just today's deposition. Have you seen this document and have you reviewed it? 46 A. American Education Services. 47 Just a going to be marked as Exhibit 1, which is a Subpoena for today's deposition. Have you seen this document and have you reviewed it? 48 A. American Education Services. 49 Just object, Ms. Henry. The document that I'm seeing looks like it's updated, particularly on Page 1, wit | 1  | 9   | 1  | 5   |
| time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live,  B. Jennifer?  A. I live in New Cumberland,  Pennsylvania.  A. I am at the PHEAA headquarter  B. Dennsylvania,  C. And how far is Harrisburg,  Pennsylvania, from your home?  A. About ten minutes.  Agency, otherwise known as PHEAA. PHEAA also  Agency, otherwise known as PHEAA. PHEAA also  Agency, otherwise known as PHEAA. PHEAA also  ABES; is that correct?  A. American Education Services.  A. American Education Services.  A. Angerican Education |  | the attorney for the Plaintiff. Can I ask you   |  | And I'm going to put in the chat  |
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| Q. Thank you. And where do you live,  By Jennifer?  A. I live in New Cumberland,  Pennsylvania.  Q. And where are you physically now?  A. I am at the PHEAA headquarter  Duilding in Harrisburg, Pennsylvania.  Q. And how far is Harrisburg,  Pennsylvania, from your home?  A. About ten minutes.  Q. I'm going to take your deposition.  This is the corporate deposition of  Pennsylvania Higher Education Assistance  Agency, otherwise known as PHEAA. PHEAA also  Q. American Education Services.  A. American Education Services.  Pansyl vania by this in the  Chat so you can see it, so that everybody sees  10 document in the chat, this document is going to be  Exhibit A. This document is a Subpoena.  And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  (Deposition Exhibit No. 1 was marked for identification.)  BY MS. HENRY:  Q. I'm going to take your deposition.  Pennsylvania Higher Education Assistance  Dennisylvania Higher Education Assistance  Dennisylvania Higher Education System or  Agency, otherwise known as PHEAA. PHEAA also  Dennisylvania Higher Education System or  A. American Education Services.  Dennisylvania Higher Education Services.  Dennisylvania Highe | 2 3  | the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.   | 2 3  | And I'm going to put in the chat here can you see that?  A. Yes.  |
| 8 Jennifer? 9 A. I live in New Cumberland, 10 Pennsylvania. 11 Q. And where are you physically now? 11 be Exhibit A. This document is going to 12 A. I am at the PHEAA headquarter 13 building in Harrisburg, Pennsylvania. 14 Q. And how far is Harrisburg, 15 Pennsylvania, from your home? 16 A. About ten minutes. 17 Q. I'm going to take your deposition. 18 This is the corporate deposition of 19 Pennsylvania Higher Education Assistance 20 Agency, otherwise known as PHEAA. PHEAA also 21 does business as American Education System or 22 AES; is that correct? 23 A. American Education Services. 24 Q. American Education Services. 26 In New Cumberland, 27 Ghat so you can see it, so that everybody sees 28 it. All right. If everyone can see that 29 it. All right. If everyone can see that 20 document in the chat, this document is going to 20 be Exhibit A. This document is a Subpoena. 21 Land if I go to the next page, it is the updated topics, Exhibit A for this deposition. 22 AES; is that correct? 23 Seeing looks like it's updated, particularly on 24 Q. American Education Services. Thank 25 This is the carpoonum that I'm 26 Chart so you can see it, so that everybody sees that 27 Adocument in the chat, this document is going to be Exhibit A. This document is a Subpoena. 28 Chart so you can see it, so that everybody sees that 30 document in the chat, this document is going to topics, Exhibit A. This document is a Subpoena. 30 Land if I go to the next page, it is the updated topics. 30 Approximation Services. 31 Seeing looks like it's updated, particularly on 32 Seeing looks like it's updated, particularly on 32 Page 1, with today's date and time. I never  | 2 3 4  | the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more  | 2<br>3<br>4  | And I'm going to put in the chat here can you see that? A. Yes. Q. Let me try that again. Let me open   |
| 9 A. I live in New Cumberland, 9 it. All right. If everyone can see that 10 Pennsylvania. 10 document in the chat, this document is going to 11 De Exhibit A. This document is a Subpoena. 12 And if I go to the next page, it is the updated 13 building in Harrisburg, Pennsylvania. 13 topics, Exhibit A for this deposition. 14 Deposition Exhibit No. 1 was 15 Pennsylvania, from your home? 15 marked for identification.) 16 A. About ten minutes. 16 BY MS. HENRY: 17 Deposition to 18 This is the corporate deposition of 18 marked as Exhibit 1, which is a Subpoena for 19 Pennsylvania Higher Education Assistance 19 today's deposition. Have you seen this 20 Agency, otherwise known as PHEAA. PHEAA also 20 document and have you reviewed it? 21 does business as American Education System or 22 AES; is that correct? 22 just object, Ms. Henry. The document that I'm 24 Page 1, with today's date and time. I never   | 2<br>3<br>4<br>5   | the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  | 2<br>3<br>4<br>5   | And I'm going to put in the chat here can you see that? A. Yes. Q. Let me try that again. Let me open it first. Okay. Can you see that document?  |
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| Pennsylvania Higher Education Assistance  Agency, otherwise known as PHEAA. PHEAA also  does business as American Education System or  AES; is that correct?  A. American Education Services.  Q. American Education Services. Thank  The document and have you reviewed it?  MS. SCRIVANI: I'm going to  just object, Ms. Henry. The document that I'm  seeing looks like it's updated, particularly on  Page 1, with today's date and time. I never  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live, Jennifer?  A. I live in New Cumberland, Pennsylvania.  Q. And where are you physically now?  A. I am at the PHEAA headquarter building in Harrisburg, Pennsylvania.  Q. And how far is Harrisburg, Pennsylvania, from your home?  A. About ten minutes.  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | And I'm going to put in the chat here can you see that?  A. Yes. Q. Let me try that again. Let me open it first. Okay. Can you see that document? A. Yes, I can. Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is going to be Exhibit A. This document is a Subpoena. And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  (Deposition Exhibit No. 1 was marked for identification.) BY MS. HENRY:   |
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| A. American Education Services. 23 seeing looks like it's updated, particularly on Q. American Education Services. Thank 24 Page 1, with today's date and time. I never  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                         | the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live, Jennifer?  A. I live in New Cumberland, Pennsylvania.  Q. And where are you physically now?  A. I am at the PHEAA headquarter building in Harrisburg, Pennsylvania.  Q. And how far is Harrisburg, Pennsylvania, from your home?  A. About ten minutes.  Q. I'm going to take your deposition. This is the corporate deposition of Pennsylvania Higher Education Assistance Agency, otherwise known as PHEAA. PHEAA also   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                         | And I'm going to put in the chat here can you see that?  A. Yes.  Q. Let me try that again. Let me open it first. Okay. Can you see that document?  A. Yes, I can.  Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is going to be Exhibit A. This document is a Subpoena. And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  (Deposition Exhibit No. 1 was marked for identification.) BY MS. HENRY:  Q. So this exhibit is going to be marked as Exhibit 1, which is a Subpoena for today's deposition. Have you seen this document and have you reviewed it?  |
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|  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live, Jennifer?  A. I live in New Cumberland, Pennsylvania.  Q. And where are you physically now?  A. I am at the PHEAA headquarter building in Harrisburg, Pennsylvania.  Q. And how far is Harrisburg, Pennsylvania, from your home?  A. About ten minutes.  Q. I'm going to take your deposition.  This is the corporate deposition of Pennsylvania Higher Education Assistance Agency, otherwise known as PHEAA. PHEAA also does business as American Education System or AES; is that correct?  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22             | And I'm going to put in the chat here can you see that?  A. Yes.  Q. Let me try that again. Let me open it first. Okay. Can you see that document?  A. Yes, I can.  Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is going to be Exhibit A. This document is a Subpoena. And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  (Deposition Exhibit No. 1 was marked for identification.) BY MS. HENRY:  Q. So this exhibit is going to be marked as Exhibit 1, which is a Subpoena for today's deposition. Have you seen this document and have you reviewed it?  MS. SCRIVANI: I'm going to just object, Ms. Henry. The document that I'm  |
| 25 you. 25 actually received an updated version of this.   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live, Jennifer?  A. I live in New Cumberland, Pennsylvania.  Q. And where are you physically now?  A. I am at the PHEAA headquarter building in Harrisburg, Pennsylvania.  Q. And how far is Harrisburg, Pennsylvania, from your home?  A. About ten minutes.  Q. I'm going to take your deposition. This is the corporate deposition of Pennsylvania Higher Education Assistance Agency, otherwise known as PHEAA. PHEAA also does business as American Education System or AES; is that correct?  A. American Education Services.                                  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23       | And I'm going to put in the chat here can you see that?  A. Yes.  Q. Let me try that again. Let me open it first. Okay. Can you see that document? A. Yes, I can. Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is going to be Exhibit A. This document is a Subpoena. And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  (Deposition Exhibit No. 1 was marked for identification.) BY MS. HENRY: Q. So this exhibit is going to be marked as Exhibit 1, which is a Subpoena for today's deposition. Have you seen this document and have you reviewed it?  MS. SCRIVANI: I'm going to just object, Ms. Henry. The document that I'm seeing looks like it's updated, particularly on   |
| i l  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | the attorney for the Plaintiff. Can I ask you to state your full name for the record.  A. Jennifer Susan Wilbert.  Q. Sorry, can you say that one more time?  A. Jennifer Susan Wilbert.  Q. Thank you. And where do you live, Jennifer?  A. I live in New Cumberland, Pennsylvania.  Q. And where are you physically now?  A. I am at the PHEAA headquarter building in Harrisburg, Pennsylvania.  Q. And how far is Harrisburg, Pennsylvania, from your home?  A. About ten minutes.  Q. I'm going to take your deposition. This is the corporate deposition of Pennsylvania Higher Education Assistance Agency, otherwise known as PHEAA. PHEAA also does business as American Education System or AES; is that correct?  A. American Education Services.  Q. American Education Services. | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 | And I'm going to put in the chat here can you see that?  A. Yes.  Q. Let me try that again. Let me open it first. Okay. Can you see that document? A. Yes, I can.  Q. And I also should put this in the chat so you can see it, so that everybody sees it. All right. If everyone can see that document in the chat, this document is going to be Exhibit A. This document is a Subpoena. And if I go to the next page, it is the updated topics, Exhibit A for this deposition.  (Deposition Exhibit No. 1 was marked for identification.) BY MS. HENRY:  Q. So this exhibit is going to be marked as Exhibit 1, which is a Subpoena for today's deposition. Have you seen this document and have you reviewed it?  MS. SCRIVANI: I'm going to just object, Ms. Henry. The document that I'm seeing looks like it's updated, particularly on Page 1, with today's date and time. I never |

| 1  | Page 10 I am not objecting to the document. I just  | 1  | Page 11 BY MS. HENRY:   |
|--|---|--|---|
| 2  | want to be clear that I did not share it with   | 2  | Q. Ms. Wilbert?   |
| 3  | my client because I didn't have it. So she has  | 3  | MS. SCRIVANI: You can answer.   |
| 4  | seen the topics, but not the first couple of  | 4  | THE WITNESS: Yes, I am.   |
| 5  | pages of it.  | 5  | BY MS. HENRY:   |
| 6  | MS. HENRY: All right.   | 6  | Q. And are you also able to talk today  |
| 7  | BY MS. HENRY:   | 7  | about the loan for Ms. Chelsey Gosse, the   |
| 8  | Q. And Ms. Wilbert, have you seen the   | 8  | Plaintiff in this action?   |
| 9  | Exhibit A that's attached to this Subpoena?   | 9  | MS. SCRIVANI: Objection. You  |
| 10   | A. Yes.   | 10   | can answer.   |
| 11   | Q. And are you familiar with these  | 11   | THE WITNESS: I'm sorry,   |
| 12   | topics?   | 12   | Stacey, did you say, please answer?   |
| 13   | A. Yes, I am.   | 13   | MS. SCRIVANI: You can answer.   |
| 14   | Q. Okay. Now, have you been designated  | 14   | THE WITNESS: Okay. Yes, I   |
| 15   | by PHEAA to represent the corporation today in  | 15   | can talk to the loan.   |
| 16   | this deposition?  | 16   | BY MS. HENRY:   |
| 17   | A. Yes, I have.   | 17   | Q. Okay. And have you produced  |
| 18   | Q. For this deposition, you are   | 18   | documents today that were requested in this   |
| 19   | designated by PHEAA as the person most  | 19   | Subpoena?   |
| 20   | knowledgeable concerning the topics in Exhibit  | 20   | A. That's correct.  |
| 21   | A, and are you reasonably available to talk   | 21   | Q. Okay. And are you here today to  |
| 22   | about all the documents in the topics in this   | 22   | produce those documents on behalf of PHEAA?   |
| 23   | deposition?   | 23   | MS. SCRIVANI: Objection. I'm  |
| 24   | A. Yes  | 24   | not sure I understand the question. I sent the  |
| 25   | MR. ROTA: Objection.  | 25   | documents over last night, with an extra one  |
|  |   |  |   |
|  |   | I  |   |
| 1  | Page 12   | 1  | Page 13   |
| 1  | this morning, so I'm not sure what the question   | 1  | THE WITNESS: Yes, that's  |
| 2  | this morning, so I'm not sure what the question is.   | 2  | THE WITNESS: Yes, that's correct.   |
| 2 3  | this morning, so I'm not sure what the question is.  BY MS. HENRY:  | 2 3  | THE WITNESS: Yes, that's correct. BY MS. HENRY:   |
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| _  |   |   |  |
|--|---|---|--|
| 1  | Page 14 A. I'm not sure I understand the  | 1   | Page 15 you say "all the information that is available   |
| 2  | question.   | 2   | to PHEAA"  |
| 3  | MS. SCRIVANI: I don't   | 3   | BY MS. HENRY:  |
| 4  | understand the question.  | 4   | Q. Concerning these topics.  |
| 5  | BY MS. HENRY:   | 5   | A. Yes.  |
| 6  | Q. Did you have any conversation with   | 6   | Q. Okay. Have you ever had your  |
| 7  | anyone about your designation as the corporate  | 7   | deposition taken before?   |
| 8  | representative for these topics today?  | 8   | A. Yes.  |
| 9  | MS. SCRIVANI: You can answer.   | 9   | Q. How many times have you had your  |
| 10   | THE WITNESS: I discussed with   | 10  | deposition taken?  |
|  |   |   | A. One time.   |
| 11   | my attorneys.   | 11  |  |
| 12   | BY MS. HENRY:   | 12  | Q. And can you tell me, what was the   |
| 13   | Q. Okay. Did you discuss with anyone  | 13  | occasion for that deposition?  |
| 14   | else?   | 14  | A. It was a regulatory matter.   |
| 15   | A. No.  | 15  | Q. Would you tell me a little bit more   |
| 16   | Q. Do you understand that the answers   | 16  | about that?  |
| 17   | you're giving today will be on behalf of PHEAA  | 17  | MS. SCRIVANI: No. I'm going  |
| 18   | and not by you individually?  | 18  | to instruct the witness that she's unable to   |
| 19   | A. Yes.   | 19  | answer that question. It's unrelated to the  |
| 20   | Q. Do you understand that the answers   | 20  | matters at issue in this case and it is  |
| 21   | you give will be all the information that is  | 21  | pursuant to regulatory obligations that govern   |
| 22   | available to PHEAA?   | 22  | PHEAA that she is unable to provide any  |
| 23   | MS. SCRIVANI: Objection. You  | 23  | additional information.  |
| 24   | can answer.   | 24  | MS. HENRY: So you're   |
| 25   | THE WITNESS: I'm sorry, when  | 25  | instructing her not to answer?   |
|  | Page 16   |   | Dage 17  |
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| 2  | BY MS. HENRY:   | 2   | Q. In relation to Ms. Gosse's loan,  |
| 3  | Q. So who did you meet with today to  | 3   | have you talked to anyone else at PHEAA  |
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|    | Page 18   |          | Page 19   |
|----|---|----------|---|
| 1  | A. Yes.   | 1        | declaration.                                    |
| 2  | Q. And what documents did you review?           | 2        | Was there anything else that you                |
| 3  | A. I reviewed the documents that were           | 3        | looked at?                                      |
| 4  | submitted to you, the loan sale agreement, the  | 4        | MS. SCRIVANI: Objection,                        |
| 5  | borrower's account.                             | 5        | asked and answered. You can answer.             |
| 6  | I'm sorry. I think I might have                 | 6        | THE WITNESS: Nothing                            |
| 7  | said the loan sale agreement. I meant the loan  | 7        | specific, outside of the borrower's loan, no.   |
| 8  | sale file. All of the documents that were       | 8        | BY MS. HENRY:                                   |
| 9  | produced to you. The servicing agreement, the   | 9        | Q. And where were those documents kept          |
| 10 | declaration.                                    | 10       | at PHEAA?                                       |
| 11 | Q. Anything else?                               | 11       | A. We have several different places, so         |
| 12 | A. I believe that's all.                        | 12       | the loan details are still on COMPASS, which is |
| 13 | Q. And what else did you do to prepare          | 13       | our servicing system. The loan sale file is     |
| 14 | for today's deposition?                         | 14       | stored in PageCenter.                           |
| 15 | MS. SCRIVANI: Objection. You                    | 15       | The servicing agreements are stored             |
| 16 | can answer.                                     | 16       | in our legal database, as well as some of my    |
| 17 | THE WITNESS: Thank you. I                       | 17       | files themselves, and some of the borrower's    |
| 18 | did not do anything additional.                 | 18       | supporting documentation is stored in our       |
| 19 | BY MS. HENRY:                                   | 19       | FileNet system.                                 |
| 20 | Q. Those documents that you just talked         | 20       | Q. Anything else?                               |
| 21 | about, the loan sale document let's see, you    | 21       | A. I believe that's all of the                  |
| 22 | said Gosse's loan file, the let's see. You      | 22       | documents.                                      |
| 23 | said the loan file and all the other documents  | 23       | Q. And in those different systems, how          |
| 24 | that were produced yesterday for this           | 24       | are they filed?                                 |
| 25 | deposition, and the documents attached to your  | 25       | MS. SCRIVANI: Objection. You                    |
|    | Page 20   |          | Page 21   |
| 1  | can answer.                                     | 1        | are stored within a designated, what we call    |
| 2  | THE WITNESS: Can you expand                     | 2        | mailbox.  |
| 3  | on your question as to how they are filed?      | 3        | So, for example, the lender has                 |
| 4  | BY MS. HENRY:                                   | 4        | their mailbox. There's various page sets        |
| 5  | Q. Okay. Well, you said that they were          | 5        | within that mailbox. I selected on loan sale.   |
| 6  | stored in several different places. The loan    | 6        | It then provides dates. I would go back to      |
| 7  | file was stored in the PageCenter. The          | 7        | that date and then search by SSN.               |
| 8  | servicing documents are stored in a legal       | 8        | Q. You mentioned a new a new place.             |
| 9  | database, and some of the files themselves are  | 9        | I think you said content workflow?              |
| 10 | also stored in other places.                    | 10       | A. I said contract workflow.                    |
| 11 | How are they actually let's say,                | 11       | Q. Contract workflow?                           |
| 12 | how are they indexed; how do you find them?     | 12       | A. Yes. That's where the legal                  |
| 13 | A. Okay. So for our COMPASS servicing           | 13       | documents for contracts are stored.             |
| 14 | system that is the system that houses all the   | 14       | Q. So that's where the contracts are            |
| 15 | loan detail, I need to log in with my user name | 15       | stored?   |
| 16 | and password, and then I can search for a       | 16       | A. Yes.   |
| 17 | borrower with an SSN or account number or by    | 17       | Q. So that's an additional place?               |
| 18 | name.   | 18       | A. We do, to clarify, we do have a              |
| 19 | The documents contained in FileNet,             | 19       | separate place for contracts that are stored,   |
| 20 | I can also identify those by a borrower's SSN,  | 20       | but older contracts are stored in contract      |
| 21 | so they are indexed at the SSN level.           | 21       | workflow. So these specific contracts were in   |
| 1  | The documents in contract workflow              | 22       | contract workflow, just to clarify.             |
| 22 | 1110 00000001000 111 001101000 0011111000       |          | , 3   |
| 22 | are identified by the lender's name, so they    | 23       | Q. Okay. And can I ask you, why are             |
|    |   | 23<br>24 |   |

| 1  | Page 22 don't know if you can answer that, but you can  | 1  | Page 23 A. COMPASS, through the borrower's  |
|--|---|--|---|
| 2  | try. I think it's beyond the scope.   | 2  | detail record, has the original lender, as well   |
| 3  | THE WITNESS: I mean, I don't  | 3  | as the current owner.   |
| 4  | know why exactly, but I can tell you that many  | 4  | For the trust, it also identifies   |
| 5  | of them are in different formats. They require  | 5  | the securitization it was included in by the  |
| 6  | different databases based on the format.  | 6  | bond issue.   |
| 7  | BY MS. HENRY:   | 7  | O. Okay. What is a bond issue?  |
| 8  | Q. Okay. In your experience, if you   | 8  | MS. SCRIVANI: Objection. You  |
| 9  | have to gather information from a borrower,   | 9  | can answer if you know.   |
|  |   |  | -   |
| 10   | where do you usually go to get information  | 10   | THE WITNESS: It's a   |
| 11   | first, you first go to  | 11   | designated field on our COMPASS system that is  |
| 12   | MR. ROTA: Objection.  | 12   | where we store the date of the securitization.  |
| 13   | MS. SCRIVANI: You can answer.   | 13   | So when I say "date," for example, 2007-3, we   |
| 14   | THE WITNESS: I'm sorry,   | 14   | create a code for that and put it in that bond  |
| 15   | Stacey. What did you say?   | 15   | issue field on our system. It's just an   |
| 16   | MS. SCRIVANI: You can answer.   | 16   | identifier.   |
| 17   | THE WITNESS: It depends on  | 17   | BY MS. HENRY:   |
| 18   | what information that I'm looking for.  | 18   | Q. Okay. So I'm going to ask the  |
| 19   | BY MS. HENRY:   | 19   | question again. Do you know what a bond issue   |
| 20   | Q. Okay. If you're looking to find out  | 20   | is?   |
| 21   | which trust owns the loan, which database would   | 21   | MS. SCRIVANI: Objection,  |
| 22   | you look in?  | 22   | asked and answered. If you have a different   |
| 23   | A. I would first go to COMPASS.   | 23   | answer, you can provide it then.  |
| 24   | Q. And what information ownership is  | 24   | THE WITNESS: I don't have a   |
| 25   | stored in COMPASS?  | 25   | different answer to provide.  |
|  |   |  |   |
|  |   |  |   |
| 1  | Page 24<br>BY MS. HENRY:  | 1  | Page 25<br>MR. ROTA: Objection.   |
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| mumber or the horrower's name; correct?  A. Correct.  C. Dad you have to match the horrower's have the originals?  A. I'm surpy, I didn't hear your question.  THE WITHESS: Asy  documentation that act faile?  A. If we received the originals at didnursement and conversion, then we would maintain the originals at didnursement. The originals at didnursement and conversion, then we would maintain the originals at the loan in question.  THE WITHESS: Asy  DO Cosy. And that's actually locking at the loan documents there were these physical loan  C. Cosy. And that's actually locking at the loan documents therefore been loss in the servicing at the loan documents therefore been loss in specific to the first the loan for the stress of the servicing agreement where are those physical loan  C. Oady. And that's actually locking at the loan documents beenever in the convert in problems.  A. Correct.  O. And just so I'm keeping up and con remember, where are those physical loan  Tremmiber, where are those physical loan  A. FileNet.  A. FileNet. Chay. And are those inged contents kept?  A. FileNet. Chay. And are those inged contents kept?  A. FileNet. Chay. And are those inged contents kept?  A. FileNet. Chay. And are those inged contents kept?  A. FileNet. Chay. And are those inged contents kept?  A. Correct.  C. So you said you work on 2007-3 loans?  The WITHESS: To I answer.  A. Correct.  A. Correct. |    |  |    |   |
|--|----|--|----|---|
| A. Correct.  Q. Do you have to match the borrower's didentification with some other data file, or is that Social Security number and borrower in formation in each data file?  REASTER CONJECTION.  MENUTESS: Any documentation that I'm looking for specific to that borrower, I would confirm that the data alearm aratch.  Every example, if I'm looking at the load of the borrower, I would confirm that the data alearm aratch.  Every example, if I'm looking at the load of the borrower, I would look for a SEM, and borrower name or dishurement date to ensure that it's the loan in question.  MENUTESS: Any documents themselves; right?  Q. Road do you look at that before you restimony today?  A. I do not know if there are any criginals for Menutes at the loan documents themselves; right?  Q. Road, Sax that's actually looking at the loan documents themselves; right?  A. FileNet. I did not confirm in our boxes of documents where are those physical loan comments, where are those physical loan documents bept?  A. FileNet. Oray, And are those there is different clauses in the servicing agreement that indicate you have to maintain them for a sertain arount of time.  Page 28 there's different clauses in the servicing agreement that indicate you have to maintain them for a sertain arount of time.  Page 28 there's different clauses in the servicing agreement that indicate you have to maintain them for a sertain arount of time.  Page 29 there is different clauses in the servicing agreement that indicate you have to maintain them for a sertain arount of time.  Page 20 So you early ou work on 2007-3 A Roy you ware of any originals that still exist for 2007-3 loans?  Page 20 Service ware of any originals that still exist for 2007-3 loans?  Page 20 Service ware of any originals that still exist for 2007-3 loans?  Page 20 Service ware of any originals that still exist for 2007-3 loans?  Page 20 Service ware of any originals that still exist for 2007-3 loans?  Page 20 Service ware of 2007-3 loans?  Page 20 Service ware of 2007-3 loans?  Pag | 1  |  | 1  | -   |
| 3   A. I'm sorry, I didn't hear your dientification with some other data file, or is that Social Security number and borrower information in each data file?   |    |  |    |   |
| identification with some other data file, or is that Social Security number and borrower information in each data file?  NR. ROTA: Objection.  HE WITHESS: Any odocumentation that I'm looking for specific to that becrower, I would confirm that the data at elements match.  Por example, if I'm looking at the criginals for Ws. Gosser's loan?  For example, if I'm looking at the loan credit agreement, I would look for a SSN, observe mane or disbursement date to ensure that it's the loan in quastion.  BY MS. HENRY:  O. Okay. And that's actually looking at the loan document themselves; right?  A. OCITECT.  O. And just no I'm keeping up and can credit agreement, where are those physical loan documents kept?  A. PileNet.  O. FileNet. Okay. And are those there's them that indicate you have to maintain them for a certain arount of time.  BY MS. HENRY:  O. So you said you work on 2007-3 agreement that indicate you have to maintain them for a certain arount of time.  BY MS. HENRY:  MS. ROTA: Christina, I'm acry, Ms. ROTA: Christina, I'm acry, Ms. Scrivani has made a number of objections apply to all Defendants and the roby to all?  MS. ROTA: Christina, I'm acry, Ms. Scrivani has made a number of objections. The WITHESS: Do I answer.  MS. ROTA: The WITHESS: Ws. HENRY: That's fine for now, yes.  MS. ROTA: The WITHESS: Or answer.  MS. ROTA: The WITHESS: Or answer.  MS. SCRIVANI: You can answer.  MS. SCRIVANI: You can answer.  MS. SCRIVANI: You can answer.  MS. SCRIVANI: The wreathy and that is deemed an contrainal and that the there are paper copies of originals.  MS. HENRY: Bacept, of course.  MS. ROTA: The wreathy out were an acreal part of the trust, but I don't know, yes.  MS. ROTA: The wreathy out were acted on your ginals that the world and the signal of the copies in other locations?  MS. ROTA: The world occurrence and the corriginals for the trust, but I don't know, yes.  MS. ROTA: The world occurrence was a credit in the copies in other locations?  MS. ROTA: The world occurrence was a credit in the process did change t |    |  | _  |   |
| that Social Security number and borrower information in each data file?  NR. ROTA: Objection.  REMINITIESS: Any documentation that I'm looking for specific to that borrower, I would confirm that the data elements match.  ROTE example, if I'm looking at the ROTE example, if I'm looking at the roredit agreement, I would look for a SSN, the borrower name or disbursement date to ensure that it's the loan in question.  REMINITIESS: Any ROTE example, if I'm looking at the ROTE example (if I'm lookin |    | *  |    |   |
| information in each data file?  7  |    |  |    | •   |
| MR. ROTA: Objection.  B THE WINNESS: Any documentation that I'm looking for specific to that borrower, I would confirm that the data li elemente match. For example, if I'm looking at the credit agreement, I would look for a SSN, the borrower name or disbursement date to ensure that it's the loan in question.  BY MS. HENRY: | -  |  |    |   |
| ## THE WITNESS: Any documentation that I'm looking for specific to that borrower, I would confirm that the data lements match.  ## Por example, if I'm looking at the credit agreement, I would look for a SSN, labeled and the borrower name or disbursement date to ensure that it's the loan in question.  ## BY MS, MEMRY:  ## Q. Okay. And that's actually looking at the loan documents themselves; right?  ## A. Correct.  ## Q. Okay. And just so I'm keeping up and can documents kept?  ## A. Correct.  ## A. FileNet.  ## Q. PileNet. Okay. And are those documents kept?  ## A. FileNet.  ## A. Fi |    |  | -  | _   |
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| 11   elements watch.   12   For example, if I'm looking at the 13   Continuer name or disbursement date to ensure 14   borrower name or disbursement date to ensure 15   that it's the loan in question.   15   A. I looked at that before yourthat it's the loan in question.   15   A. I looked at the documents within 16   FileWet and the signature on the document in 17   Q. Okay. And that's actually looking 18   at the loan documents themselves; right?   18   documents that we have originals.   19   Q. Okay. Isn't it true that some 19   Q. Okay. Isn't it true t   |    |  |    | -   |
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| credit agreement, I would look for a SSN, borrower name or disbursement date to ensure that it's the loan in question.  15 that it's the loan in question.  16 BY MS. HENRY:  17 Q. Okay. And that's actually looking that it is the loan documents themselves; right?  18 at the loan documents themselves; right?  19 A. Correct.  19 Q. Okay. Instit true that some originals are destroyed, unless there are those physical loan the soope. If you understand the question, you can answer.  20 Q. FileNet. Okay. And are those 24 The NITNESS: Yes. I mean, our internal policy is that, after a certain actual paper copy.  21 amount of time, originals are destroyed, unless there's different clauses in the servicing agreement that indicate you have to maintain them for a certain amount of time.  21 BY MS. HENRY:  22 D. So you said you work on 2007-3  23 A. Correct.  24 C. So you said you work on 2007-3  25 EY MS. HENRY:  26 Q. Are you aware of any originals that still exist for 2007-3 loans; correct?  27 MS. ROTA: Christina, I'm moving forward, to the extent that all of her objections apply to all Defendants and moving forward, to the extent that she objects, it would apply to all?  27 MS. SCRIVANI: You can answer.  28 MS. SCRIVANI: Thank you.  29 MS. SCRIVANI: You can answer.  20 MS. SCRIVANI: Thank you.  21 MS. SCRIVANI: You can answer.  22 MS. HENRY: That's fine for now, yes.  23 MS. SCRIVANI: You can answer.  24 MS. SCRIVANI: You can answer.  25 MS. HENRY: Store, i ocurse.  26 MS. HENRY: Sure. All right.  27 MS. HENRY: Sure. All right.  28 MS. SCRIVANI: One of that all of the scope, et cetera.  29 MS. SCRIVANI: You can answer.  20 MS. HENRY: Sure. All right.  21 MS. SCRIVANI: You con in the servicing moving forward, to the extent that she objects, it would apply to all?  29 MS. HENRY: That's fine for answer.  20 MS. HENRY: Store, of course.  20 MS. HENRY: Sure. All right.  21 MS. HENRY: Sure. All right.  22 MS. HENRY: Sure. All right.  23 MS. SCRIVANI: You con answer.  24 MS. SCRIVANI: You con answer.  25 MS. SCRIVANI: You con a |    |  |    |   |
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| 19 A. Correct.  Q. And just so I'm keeping up and can 21 remember, where are those physical loan 22 documents kept? 23 A. FileNet. 24 Q. FileNet. Okay. And are those 25 imaged?  26 amount of time, originals are destroyed, and are those 25 there's different clauses in the servicing 27 agreement that indicate you have to maintain 28 them for a certain amount of time. 29 BY MS. HERRY: 20 Q. So you said you work on 2007-3 20 loans; correct? 21 A. Correct. 22 down aware of any originals that 23 fill will for 2007-3 loans? 24 Correct. 25 In mean, 26 our internal policy is that, after a certain 27 paper copy. 28 MR. ROTA: Christina, I'm 29 sorry, Ms. Scrivani has made a number of 20 objections. These phte number of 20 objections. The well and provided and 20 originals that 20 originals that 20 originals that 21 or 30 originals where 22 originals are destroyed after a period of time? 29 and the scope. If you understand the 21 objection, you can answer. 20 THE WITNESS: Yes. I mean, 21 originals are destroyed after a period of time? 22 beyond the scope. If you understand the 22 our internal policy is that, after a certain 22 original document versus an actual 23 paper copy. 29 Page 29 29   | 17 | -  |    |   |
| 20 Q. And just so I'm keeping up and can 21 remember, where are those physical loan 22 documents kept? 23 A. FileNet. 24 Q. FileNet. Okay. And are those 25 imaged? 26 amount of time, originals are destroyed, unless 27 there's different clauses in the servicing 28 agreement that indicate you have to maintain 29 them for a certain amount of time. 20 BY MS. HENRY: 21 Doan; correct? 22 Q. Are you said you work on 2007-3 23 A. Correct. 24 THE WITNESS: Yes. I mean, 25 our internal policy is that, after a certain  Page 28 28 That are the original document versus an actual paper copy. 29 paper copy. 30 MR. ROTA: Christina, I'm 40 them for a certain amount of time. 41 sorry, Ms. Scrivani has made a number of objections. 42 The WITNESS: The servicing paper copy. 43 Stacey? 44 MS. CORRECT: 45 CORRECT: 46 CORRECT: 47 CORRECT: 48 A. Correct: 49 Q. Are you savare of any originals that still exist for 2007-3 loans? 40 MS. HENRY: That's fine for 41 MS. HENRY: That's fine for 43 In MR. ROTA: Thank you. 44 MS. SCRIVANI: You can answer 45 If you know. 46 MS. SCRIVANI: You can answer 47 MS. HENRY: That's fine for 48 MS. HENRY: That's fine for 49 CORRECTION OF THE WITNESS: Specifically, for 49 2007-3, if there are paper copies of originals. 40 The witness did change that the borrower could 22 electronically sign and that is deemed an original. And so those imaged copies of that 23 MS. SCRIVANI: I'm sorry, 24 document would be considered the original. 41 MS. SCRIVANI: I'm sorry, 25 CORL Are there copies in other locations? 42 MS. HENRY: Sure. All right. 43 MS. HENRY: Sure. All right. 44 MS. HENRY: Sure. All right. 45 MS. HENRY: Sure. Copies in other locations? 46 MS. SCRIVANI: I'm sorry, 26 Could you repeat the question?   | 18 | at the loan documents themselves; right?       | 18 | documents that we have originals.               |
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| A. FileNet.  Q. FileNet. Okay. And are those imaged?  Page 28  amount of time, originals are destroyed, unless there's different clauses in the servicing agreement that indicate you have to maintain them for a certain amount of time.  BY MS. HENRY:  Q. So you said you work on 2007-3  R. Correct.  Q. Are you aware of any originals that still exist for 2007-3 loans?  MR. ROTA: Christina, I'm sorry, Ms. Scrivani has made a number of objections down, can we just have an agreement that all of her objections apply to all Defendants and moving forward, to the extent that she objects, it would apply to all?  MR. ROTA: Thank you.  MS. HENRY: That's fine for now, yes.  MS. SCRIVANI: You can answer figure that the firm or answer. I think that that's only  MS. SCRIVANI: You can answer. I when she is instructing the client not to answer. I think that that's only  MS. ROTA: I couldn't do that.  The WITNESS: Specifically, for late trust, but I don't know, specifically, for late cetera.  There may be, at some point in time, late the process did change that the borrower could electronically sign and that is deemed an original. And so those imaged copies of that document would be considered the original.  MS. SCRIVANI: I'm sorry, could you repeat the question?   | 21 | remember, where are those physical loan        | 21 | MS. SCRIVANI: Objection,                        |
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| Page 28 1 amount of time, originals are destroyed, unless 2 there's different clauses in the servicing 3 agreement that indicate you have to maintain 4 them for a certain amount of time. 4 sorry, Ms. Scrivani has made a number of 5 BY MS. HENRY: 5 objections. To keep the number of objections down, can we just have an agreement that all of 1 loans; correct? 7 her objections apply to all Defendants and 8 A. Correct. 8 moving forward, to the extent that she objects, 9 Q. Are you aware of any originals that 9 it would apply to all? MS. HENRY: That's fine for 1 now, yes. 11 MS. HENRY: That's fine for 1 now, yes. 12 MS. HENRY: Except, of course. 14 When she is instructing the client not to 15 answer. I think that that's only   | 24 | Q. FileNet. Okay. And are those                | 24 | THE WITNESS: Yes. I mean,                       |
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| Page 30 1 Q. Are there copies of loan documents 2 in other locations for the 2007-3 trust? 3 MS. SCRIVANI: Objection. You 4 can answer. 5 THE WITNESS: Our copies are 6 maintained in FileNet. 7 BY MS. HENRY: 8 Q. Does Transworld System have any 9 copies of the loan documents for the 2007-3 10 trust? 11 MS. SCRIVANI: Objection. You 12 can answer. 13 MS. SCRIVANI: Objection. You 14 trust? 15 THE WITNESS: They would have 16 transferred to them when the loans default. 16 They are transferred off our system, once they 17 go to a zero balance, to TSI for our 18 post-default collections. 19 BY MS. HENRY: 10 Q. I'm going to ask you, can you give 21 me a little bit of background about yourself? 22 Can you tell me about your 23 education starting from high school and going 24 forward? 25 A. Yes. I went to high school at  Page 32 1 director of client relations? 2 A. I oversee several senior client 3 relationship manager. 4 page 32 1 director of client relations? 3 susquenita High School in Perry County. I of Pittsburgh. 2 page 3t the University of Pittsburgh. 4 years at the University of Pittsburgh. 6 Pittsburgh. I completed two and a half 9 years at the University of Pittsburgh. 6 Pittsburgh. I completed two and a half 9 years at the University of Pittsburgh. 7 a. Unst since 9 Q. okay. Can you tell me about your at the University of Pittsburgh. 7 at the University of Pittsburgh. 7 at the University of Pittsburgh. 8 Q. Okay. Can you tell me about your at the University of Pittsburgh. 7 at the University of Pittsburgh. 9 Q. Starting from when you left university until now. 11 A. So I worked at a store called R & S in Marysville, Pennsylvania, until I started working at PHEAA in November of 2002. 11 In 2014, I became a senior client 12 relationship manager. 13 Page 32 14 director of client relations? 15 Page 32 26 director of client relations? 27 A. Yes. I went to high school and going 28 director of client relations? 29 Q. Starting from when you left university of Pittsburgh. 20 Q. Starting from when you l                   |
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| 11 MS. SCRIVANI: Objection. You 12 can answer. 13 THE WITNESS: They would have 14 copies of the loan documents that we 15 transferred to them when the loans default. 16 They are transferred off our system, once they 17 go to a zero balance, to TSI for our 18 post-default collections. 19 BY MS. HENRY: 10 Q. I'm going to ask you, can you give 21 me a little bit of background about yourself? 22 Can you tell me a little bit about your 23 education starting from high school and going 24 forward? 25 A. Yes. I went to high school at  Page 32 1 director of client relations? 2 A. I oversee several senior client 2 representative in July, I believe July of 2003. And then I believe around June of 2007, I went to client relations as a relationship manager. 19 Evaluation starting from high school and going 20 Q. I'm going to ask you, can you give 21 became one of the directors of client relations. 22 Q. What are your job duties as the  Page 32 1 director of client relations? 24 A. Yes, it is. 25 A. I oversee several senior client 2 That's beyond the scope and it's proprietary information. I'm instructing her not to answer. 25 I also oversee a team of lender 26 C. Let me rephrase this. What   |
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| THE WITNESS: They would have  13 working at PHEAA in November of 2002.  14 copies of the loan documents that we  15 transferred to them when the loans default.  16 They are transferred off our system, once they  17 go to a zero balance, to TSI for our  18 post-default collections.  19 BY MS. HENRY:  20 Q. I'm going to ask you, can you give  21 me a little bit of background about yourself?  22 Can you tell me a little bit about your  23 education starting from high school and going  24 forward?  25 A. Yes. I went to high school at  Page 32  1 director of client relations?  2 A. I oversee several senior client  2 Page 32  1 director of client relations?  2 A. I oversee several senior client  4 portfolios directly with clients.  5 I also oversee a team of lender  6 representative and then became a lender  15 representative and then became a lender  16 representative and then became a lender  17 And then I believe around June of 2007, I went  18 to client relations as a relationship manager.  19 In 2014, I became a senior client  20 relationship manager. And then in 2019, I  21 became one of the directors of client  22 relations.  23 Q. Is that your current position?  24 A. Yes, it is.  25 Q. What are your job duties as the  26 Page 32  27 In 10 oversee several senior client  28 A. I oversee several senior client  29 A. That's beyond the scope and it's proprietary  20 information. I'm instructing her not to  21 answer.  22 BY MS. HENRY:  23 Girector of client relations?  24 A. HENRY:  25 BY MS. HENRY:  26 Q. Let me rephrase this. What   |
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| They are transferred off our system, once they go to a zero balance, to TSI for our By MS. HENRY:  In 2014, I became a senior client Can you tell me a little bit about your education starting from high school at  Page 32 director of client relations? And then I believe around June of 2007, I went to client relations as a relationship manager. In 2014, I became a senior client relationship manager. And then in 2019, I became one of the directors of client relations.  Q. I'm going to ask you, can you give relationship manager. And then in 2019, I became one of the directors of client relations.  Q. Is that your current position? A. Yes, it is. Q. What are your job duties as the  Page 32 That's beyond the scope and it's proprietary relationship managers that would manage the portfolios directly with clients. I also oversee a team of lender representative in July, I believe July of 2003. And then I believe around June of 2007, I went to client relations as a relationship manager. In 2014, I became a senior client relationship manager. And then in 2019, I became one of the directors of client relationsh.  Q. Is that your current position? A. Yes, it is. Q. What are your job duties as the  Page 3 In MS. SCRIVANI: Objection. That's beyond the scope and it's proprietary information. I'm instructing her not to answer. BY MS. HENRY: REMRY: Representatives that work with the clients RY MS. HENRY: REMRY:  |
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| 18 post-default collections.  19 BY MS. HENRY:  10 Q. I'm going to ask you, can you give  21 me a little bit of background about yourself?  22 Can you tell me a little bit about your  23 education starting from high school and going  24 forward?  25 A. Yes. I went to high school at  Page 32  1 director of client relations?  A. I oversee several senior client  Page 32  1 director of client relations?  A. I oversee several senior client  4 portfolios directly with clients.  I also oversee a team of lender  Figure 3. Is that your current position?  A. I also oversee a team of lender  Figure 3. Is that your current position?  A. I also oversee a team of lender  Figure 3. In colient relations as a relationship manager.  And then in 2019, I became one of the directors of client relations.  Page 32  Q. Is that your current position?  A. Yes, it is.  Q. What are your job duties as the  Page 32  I meationship manager. And then in 2019, I became one of the directors of client relations.  Page 32  I also oversee a team of lender  Sepresentatives that work with the clients  On the client relations as a relationship manager.  In 2014, I became a senior client relationship manager. And then in 2019, I became one of the directors of client relations.  On the client relations as a relationship manager.  In 2014, I became a senior client relationship manager. And then in 2019, I became one of the directors of client relations.  Q. What are your job duties as the  Page 32  I math your current position?  A. Yes, it is.  Q. What are your job duties as the  Page 32  I math your current position?  And Yes, it is.  Q. What are your job duties as the  Page 32  Page 32  BY MS. SCRIVANI: Objection.  BY MS. HENRY:   |
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| 5 I also oversee a team of lender 5 BY MS. HENRY: 6 representatives that work with the clients 6 Q. Let me rephrase this. What   |
| 6 representatives that work with the clients 6 Q. Let me rephrase this. What   |
|  |
| 7 directly on borrower issues. 7 percentage of your clients are the 2007-3   |
| Ferromagn of Italian and the control of the control |
| 8 Q. Anything else? 8 trust?   |
| 9 A. No. 9 MS. SCRIVANI: You can answer  |
| 10 Q. How many people work for you? 10 if you know.  |
| 11 A. Currently, five. 11 THE WITNESS: I don't know the  |
|  |
| 12 Q. Are you working every day in the 12 percentage.  |
| 12 Q. Are you working every day in the 12 percentage. 13 office? 13 BY MS. HENRY:  |
|  |
| 13 office? 13 BY MS. HENRY:  |
| office?  13 BY MS. HENRY:  14 A. I am not. I am remote a few days a 14 Q. Do the five people who work for you,   |
| office?  13 BY MS. HENRY:  14 A. I am not. I am remote a few days a 14 Q. Do the five people who work for you, 15 week and in the office a few days a week. It's 15 do they all work on the 2007-3 trust?  |
| office?  13 BY MS. HENRY:  14 A. I am not. I am remote a few days a  15 week and in the office a few days a week. It's  16 a hybrid schedule.  13 BY MS. HENRY:  14 Q. Do the five people who work for you,  15 do they all work on the 2007-3 trust?  16 A. They do not.  |
| office?  13 BY MS. HENRY:  14 A. I am not. I am remote a few days a 15 week and in the office a few days a week. It's 16 a hybrid schedule.  17 Q. Okay. In your position, do you  18 BY MS. HENRY:  19 Q. Do the five people who work for you,  20 do they all work on the 2007-3 trust?  21 A. They do not.  22 How many of the five people that   |
| office?  13 BY MS. HENRY:  14 A. I am not. I am remote a few days a 15 week and in the office a few days a week. It's 16 a hybrid schedule.  17 Q. Okay. In your position, do you 18 handle any loans besides the 2007-3 trust?  18 BY MS. HENRY:  19 Q. Do the five people who work for you, 20 do they all work on the 2007-3 trust?  20 How many of the five people that 21 work for you work on the 2007-3 trust?  |
| office?  13 BY MS. HENRY:  14 A. I am not. I am remote a few days a 15 week and in the office a few days a week. It's 16 a hybrid schedule.  17 Q. Okay. In your position, do you 18 handle any loans besides the 2007-3 trust? 19 MS. SCRIVANI: Objection. You  10 BY MS. HENRY: 11 Q. Do the five people who work for you, 12 do they all work on the 2007-3 trust? 13 BY MS. HENRY: 14 Q. Do the five people who work for you, 15 do they all work on the 2007-3 trust? 16 A. They do not. 17 Q. How many of the five people that 18 work for you work on the 2007-3 trust? 19 A. I have one senior client  |
| office?  13 BY MS. HENRY:  14 A. I am not. I am remote a few days a  15 week and in the office a few days a week. It's  16 a hybrid schedule.  17 Q. Okay. In your position, do you  18 handle any loans besides the 2007-3 trust?  19 MS. SCRIVANI: Objection. You  20 can answer.  21 THE WITNESS: Yes, I do  13 BY MS. HENRY:  14 Q. Do the five people who work for you,  20 do they all work on the 2007-3 trust?  21 A. I have one senior client  22 relationship manager that manages the portfolion  23 as a whole, and then I have a lender   |
| office?  13 BY MS. HENRY:  14 A. I am not. I am remote a few days a  15 week and in the office a few days a week. It's  16 a hybrid schedule.  17 Q. Okay. In your position, do you  18 handle any loans besides the 2007-3 trust?  19 MS. SCRIVANI: Objection. You  20 can answer.  21 THE WITNESS: Yes, I do  13 BY MS. HENRY:  14 Q. Do the five people who work for you,  20 do they all work on the 2007-3 trust?  21 A. I have one senior client  22 relationship manager that manages the portfolion  23 as a whole, and then I have a lender   |
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| 1                    | Page 34 A. Katrina Althouse.  | 1                          | Page 35 THE WITNESS: Due to the  |
|----------------------|---|----------------------------|--|
| 2                    | Q. Katrina?   | 2                          | number of inquiries we could get on the lender   |
| 3                    | A. (Witness nodded head affirmatively.)   | 3                          | team outside of just the 2007-3 trust, there   |
| 4                    | Q. And is she located in the same   | 4                          | could be backups in place across the team that   |
| 5                    | office as you?  | 5                          | could step in and answer an inquiry on the   |
| 6                    | A. Not today, but yes, when she is in   | 6                          | 2007-3 trust.  |
| 7                    | the office, yes.  | 7                          | BY MS. HENRY:  |
| 8                    | O. And what is the name of the lender   | 8                          | O. PHEAA's main function is as a loan  |
| 9                    | rep?  | 9                          | servicer; is that correct?   |
| 10                   | A. Lori Masso (phonetic).   | 10                         | MS. SCRIVANI: Objection. You   |
| 11                   | Q. And you said she handles borrower  | 11                         | can answer if you know.  |
| 12                   | inquiries?  | 12                         | THE WITNESS: PHEAA, as a   |
| 13                   | A. Correct.   | 13                         | whole, has many different services, I'll say.  |
| 14                   | Q. So is there just one person at PHEAA   | 14                         | I don't know that I would say our main item is   |
| 15                   | that handles borrower inquiries for the 2007-3  | 15                         | servicing. We offer state grants, and that is  |
| 16                   | trust?  | 16                         | our main mission.  |
| 17                   | MS. SCRIVANI: Objection. Let  | 17                         | So we do servicing activity, but   |
| 18                   | me just get my objection on the record. These   | 18                         | that is just a part of our business.   |
| 19                   | questions are beyond the scope of the very  | 19                         | BY MS. HENRY:  |
| 20                   | narrow issue that we are here for for this  | 20                         | Q. Okay. So when you say "servicing  |
| 21                   | deposition.   | 21                         | activity, " what is loan servicing?  |
| 22                   | I'm going to let her answer, but if   | 22                         | A. Loan servicing would be from the  |
| 23                   | we keep going down this path, I'm probably  | 23                         | point that the loan is converted to us, from   |
| 24                   | going to stop my generosity.  | 24                         | the originator, until the loan is at a zero  |
| 25                   | You may answer the question.  | 25                         | balance.   |
|                      |   |                            |  |
|                      | Page 36   |                            | Page 37  |
| 1                    | We would send the borrower billing  | 1                          | contract in place with the client that requires  |
| 2                    | statements, make phone calls up until the loan  | 2                          | us to service the loan accurately.   |
| 3                    | is outsourced. If the loan becomes delinquent,  | 3                          | BY MS. HENRY:  |
| 4                    | send delinquency letters.   | 4                          | Q. Anything else?  |
| 5                    | We would update their system of   | 5                          | A. I don't believe so.   |
| 6                    | record when they remit any payments, take any   | 6                          | Q. Why is it important to service the  |
| 7                    | borrower phone calls that may come in, offer  | 7                          | loan accurately?   |
| 8                    | them a portal and website to view their account   | 8                          | MS. SCRIVANI: Objection. You   |
| 9                    | details, as well as make payments.  | 9                          | can answer.  |
| 10                   | Q. Anything else?   | 10                         | THE WITNESS: It's a  |
| 11                   | A. I would say that covers it.  | 11                         | borrower's loan. You're dealing with payments.   |
| 12                   | Q. Okay. As a loan servicer, does   | 12                         | You're dealing with their balance. You need to   |
| 13                   | PHEAA have an obligation to maintain accurate   | 13                         | ensure that the loan is accurately reflecting  |
| 14                   | records of the student loans they service?  | 14                         | the interest rate, the balance that they are   |
| 15                   | MS. SCRIVANI: Objection. You  | 15                         | paying down, if they are making payments on it,  |
| 16                   | can answer.   | 16                         | all the correspondence that may be coming in,  |
| 17                   | THE WITNESS: Yes.   | 17                         | any phone calls that may be occurring.   |
| 18                   | BY MS. HENRY:   | 18                         | It's the borrower's loan you're  |
|                      |   |                            | talking about, so it needs to be accurate.   |
| 19                   | Q. And why is that important?   | 19                         | carring about, so it needs to be accurate.   |
| 19<br>20             | Q. And why is that important?  MS. SCRIVANI: Objection. Go  | 19 20                      | BY MS. HENRY:  |
|                      |   |                            |  |
| 20                   | MS. SCRIVANI: Objection. Go   | 20                         | BY MS. HENRY:  |
| 20<br>21             | MS. SCRIVANI: Objection. Go ahead. You can answer.  THE WITNESS: It's important because we're servicing a borrower's loan and | 20<br>21                   | BY MS. HENRY: Q. Should a loan servicer keep the   |
| 20<br>21<br>22       | MS. SCRIVANI: Objection. Go ahead. You can answer.  THE WITNESS: It's important   | 20<br>21<br>22<br>23<br>24 | BY MS. HENRY:  Q. Should a loan servicer keep the documents that they have for these loans in        |
| 20<br>21<br>22<br>23 | MS. SCRIVANI: Objection. Go ahead. You can answer.  THE WITNESS: It's important because we're servicing a borrower's loan and | 20<br>21<br>22<br>23       | BY MS. HENRY:  Q. Should a loan servicer keep the documents that they have for these loans in order? |

| 1   | Page 38<br>MS. SCRIVANI: If you   | 1  | Page 39 documents organized because the borrower is   |
|---|---|--|---|
| 2   | understand the question, you can answer it,   | 2  | going to potentially call and inquire about   |
| 3   | Jen.  | 3  | their loan.   |
| 4   | THE WITNESS: I'm sorry, can   | 4  | You have certain obligations through  |
| 5   | you repeat the question again?  | 5  | the servicing agreement in which you need to  |
| 6   | BY MS. HENRY:   | 6  | maintain certain documentation. If you need to  |
| 7   | Q. Should a loan servicer keep the  | 7  | send the borrower anything, you need to   |
| 8   | documents they service in order?  | 8  | identify that documentation that you are  |
| 9   | MS. SCRIVANI: Same objection.   | 9  | looking for.  |
| 10  | You can answer if you understand.   | 10   | So, yes, the documents need to be   |
| 11  | THE WITNESS: I guess my   | 11   | organized, and also our representatives need to   |
| 12  | question is in order how, what  | 12   | be able to find the documentation as well.  |
| 13  | BY MS. HENRY:   | 13   | BY MS. HENRY:   |
| 14  | Q. Organized.   | 14   | Q. Okay. You said in the beginning  |
| 15  | A. Organized?   | 15   | that that answer was your personal feeling. If  |
| 16  | Q. Organized.   | 16   | you were testifying on behalf of PHEAA, would   |
| 17  | MR. ROTA: Same objection.   | 17   | your answer be any different?   |
| 18  | BY MS. HENRY:   | 18   | A. No.  |
| 19  | Q. So I'll say it again. Should a loan  | 19   | Q. Okay. Any other reason that you can  |
| 20  | servicer keep the documents they service  | 20   | think of as to why a servicer should keep the   |
| 21  | organized?  | 21   | documents they service organized?   |
| 22  | MS. SCRIVANI: Objection. You  | 22   | A. No.  |
| 23  | can answer.   | 23   | Q. Okay. Do you have confidence that  |
| 24  | THE WITNESS: My personal  | 24   | the documentation that PHEAA has is correct and   |
| 25  | opinion is, yes, you would want to keep the   | 25   | accurate?   |
|   |   |  |   |
|   | Page 40   |  | Page 41   |
| 1   | MS. SCRIVANI: Objection.  | 1  | these 2007-3 trust documents?   |
| 2   | With respect to Ms. Gosse's loan, with respect  | 2  | MR. ROTA: Objection.  |
| 3   | to 2007-3, with respect to every piece of paper   |  | The Rolls objection.  |
|   |   | 3  | MS. SCRIVANI: You can answer.   |
| 4   | in the building?  | 3 4  | -   |
| 5   |   |  | MS. SCRIVANI: You can answer.   |
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| 1  | Page 42 to and where they are located.  | 1   | Page 43 BY MS. HENRY:   |
|--|---|---|---|
| 2  | Just a moment.  | 2   | Q. Did you look at them before today's  |
| 3  | (Brief pause.)  | 3   | deposition?   |
| 4  | MS. HENRY: I'm sorry. I had   | 4   | A. I did look at them.  |
| 5  | an interruption. Let me back up to where I  | 5   | Q. Okay. And why did you look at them?  |
| 6  | was.  | 6   | A. Because they tie back to the   |
| 7  | Can I have the court reporter repeat  | 7   | custodian language in the servicing agreement   |
| 8  | the question I asked?   | 8   | specific to the credit agreement and the  |
| 9  | (Reporter read back previous  | 9   | disclosure statement that was produced.   |
| 10   | question.)  | 10  | Q. And what information did you review  |
| 11   | BY MS. HENRY:   | 11  | that was important to tie them back for today's   |
| 12   | Q. Ms. Wilbert?   | 12  | deposition?   |
| 13   | A. Yes. So we have custodian language   | 13  | MR. ROTA: Objection.  |
| 14   | in our servicing agreement, and then there are  | 14  | MS. SCRIVANI: Objection.  |
| 15   | custodian agreements that tie to the trust, and   | 15  | Unless I instruct you not to answer, Jen, you   |
| 16   | they are housed in contract workflow.   | 16  | can answer.   |
| 17   | Q. And have you produced those  | 17  | THE WITNESS: I just read the  |
| 18   | custodial agreements as part of the Subpoena?   | 18  | custodian agreement to confirm that it tied to  |
| 19   | A. I did not produce the custodial  | 19  | the 2007-3 securitization.  |
| 20   | agreements.   | 20  | BY MS. HENRY:   |
| 21   | Q. And why not?   | 21  | Q. Does PHEAA create any documents  |
| 22   | MS. SCRIVANI: I'll answer   | 22  | relating to the loans that they collect for the   |
| 23   | that. They are not responsive to any of the   | 23  | 2007-3 trust?   |
| 24   | document requests in the Subpoena.  | 24  | MS. SCRIVANI: Objection.  |
| 25   | MS. HENRY: Okay.  | 25  | THE WITNESS: I'm not sure I   |
|  |   |   |   |
|  | Page 44   |   | Page 45   |
| 1  | understand the question.  | 1   | the transfer letter. There are a number of  |
| 2  | BY MS. HENRY:   | 2   | documents that we could send on a borrower's  |
| 3  | Q. Does PHEAA create any documents  | 3   | loan.   |
| 4  | relating to the loans collected for the 2007-3  | 4   | I could not tell you every single   |
| 5  | trust?  | 5   | one of them off the top of my head.   |
| 6  | MS. SCRIVANI: Objection.  | 6   | BY MS. HENRY:   |
| 7  | Same question.  | 7   | Q. Okay. What people have access to   |
| 8  |   |   | the least demonstrate #110  |
| 1 0  | THE WITNESS: I still don't  | 8   | the loan document files?  |
| 9  | understand the question. What documents would   | 9   | MS. SCRIVANI: Objection. Do   |
| 10   | understand the question. What documents would you be referring to?  | 9   | MS. SCRIVANI: Objection. Do you mean employees of PHEAA, outside of PHEAA?  |
| 10<br>11   | understand the question. What documents would you be referring to?  I did indicate what we would send   | 9 10 11   | MS. SCRIVANI: Objection. Do you mean employees of PHEAA, outside of PHEAA? BY MS. HENRY:  |
| 10<br>11<br>12   | understand the question. What documents would you be referring to?  I did indicate what we would send out while we're servicing the loan, but are you   | 9<br>10<br>11<br>12   | MS. SCRIVANI: Objection. Do you mean employees of PHEAA, outside of PHEAA?  BY MS. HENRY:  Q. Well, let's break it down.  |
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| 10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | understand the question. What documents would you be referring to?  I did indicate what we would send out while we're servicing the loan, but are you referring to other documents?  BY MS. HENRY:  Q. No. I'm just however you understand that question.  MR. ROTA: Objection.  THE WITNESS: So as previously indicated, we do send billing statements on a monthly basis to the borrower. We could potentially send interest notices to the borrower while they're on an in-school status.  | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | MS. SCRIVANI: Objection. Do you mean employees of PHEAA, outside of PHEAA? BY MS. HENRY:  Q. Well, let's break it down. Referring to 2007-3 only, how many people at PHEAA have access to the 2007-3 loan document files?  MS. SCRIVANI: Objection.  THE WITNESS: I can't answer that. I don't know how many people have access. BY MS. HENRY:  Q. Okay. And I'm going to ask you, why is that? Would there be more than the people   |

|  | <del>_</del> _  |   |   |
|--|---|---|---|
| 1  | Page 46 that they could reference the borrower's loan   | 1   | Page 47 THE WITNESS: The majority of  |
| 2  | file if the borrower would call in and have a   | 2   | them would just be looking at imaged files.   |
| 3  | question.   | 3   | Individuals in our records management   |
| 4  | So individuals in customer service  | 4   | department could have access to original  |
| 5  | that take phone calls and process, as well as   | 5   | documents, but for the majority of anything   |
| 6  | other departments, I'm sure. I don't know   | 6   | that anyone would be looking at, it would just  |
| 7  | exactly who in other departments, but I know  | 7   | be images in FileNet.   |
| 8  | for sure the customer service representatives   | 8   | BY MS. HENRY:   |
| 9  | and processors have access to the data.   | 9   | Q. And does PHEAA give access to  |
| 10   | Q. Okay. And how do they access the   | 10  | individuals outside of PHEAA does PHEAA give  |
| 11   | files?  | 11  | access to individuals outside of PHEAA to these   |
| 12   | A. The same way I stated at the   | 12  | loan files for 2007-3?  |
| 13   | beginning.  | 13  | MS. SCRIVANI: Objection. You  |
| 14   | Q. Okay. So they have to use a log-in;  | 14  | can answer.   |
| 15   | is that right?  | 15  | MR. ROTA: Objection.  |
| 16   | A. That's correct.  | 16  | THE WITNESS: Not to our   |
| 17   | Q. Okay. And do they all log in   | 17  | system. Not to our FileNet system. So we may  |
| 18   | through the computer?   | 18  | produce the documents and provide them to the   |
| 19   | MS. SCRIVANI: Objection. As   | 19  | client or TSI, for example, but they don't have   |
| 20   | opposed to what? Are they using   | 20  | access to our FileNet system or viewing imaged  |
| 21   | BY MS. HENRY:   | 21  | documents.  |
| 22   | Q. Meaning they're only looking at  | 22  | BY MS. HENRY:   |
| 23   | electronic files, they're not looking at  | 23  | Q. Okay. So maybe we can go over that   |
| 24   | anything in paper form; is that correct?  | 24  | a bit more. So you stated before that when a  |
| 25   | MR. ROTA: Objection.  | 25  | loan goes into default, at some point, PHEAA is   |
|  |   |   | 5,  |
| 1  | Page 48   | 1   | Page 49   |
| 1 2  | no longer servicing that loan; is that correct?  A. That's correct.   | 1 2   | Transworld Systems, Inc.; correct?  A. At this time, yes, that's correct.   |
| 3  | Q. And maybe you can go over, at what   | 3   | Q. And previously it was another  |
| 4  | point does PHEAA stop servicing the loan?   | 4   | entity. Who was that?   |
| 5  | A. So once the loan goes down to a zero   | 5   | A. Yes. Previously, those loans were  |
| 6  | balance, if it defaults, it would then transfer   | 6   | transferred to First Marblehead Data Services.  |
| 7  | to TSI for special servicing activity, default  | 7   | Q. And can you tell me, when did that   |
| 8  | servicing activity.   | '   | Q. Alla call you tell lile, when alla that  |
|  | servicing activity.   | 8   | happen?   |
| 9  | And at that point, once the loan is   | 8 9   |   |
| 9  | 3   |   | happen?   |
|  | And at that point, once the loan is   | 9   | happen?  A. In 2012, First Marblehead resigned  |
| 10   | And at that point, once the loan is zeroed out on our servicing system, we would no   | 9   | happen?  A. In 2012, First Marblehead resigned as the special servicer, and U.S. Bank took on   |
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| 1  | Page 50 Ms. Wilbert?  | 1  | Page 51 "about disbursement"?                  |
|----|---|----|--|
| 2  | A. Yes. I believe it is the credit  | 2  | BY MS. HENRY:                                  |
| 3  | agreement and the disclosure that's provided to                                   | 3  | Q. Do you have information about the           |
| 4  | them when the loan defaults. I don't believe                                      | 4  | whether the loan was actually disbursed?       |
| 5  | we pull the terms and conditions every time we                                    | 5  | A. We do have information that is              |
| 6  | transfer the credit agreement to them.  | 6  | passed at origination. However, we provide the |
| 7  | O. Are the  | 7  | credit agreement and disclosure statement when |
| 8  | A. If the terms and conditions are  | 8  | the loan defaults, as required.                |
| 9  | passed to us at conversion and they are in  | 9  | There is they could if they                    |
| 10 | FileNet, they would, obviously, be included. I                                    | 10 | needed additional information at some point,   |
| 11 | don't believe there's any pulling of those  | 11 | they could come back and ask for that. But the |
| 12 | terms and conditions outside of that. The   | 12 | credit agreement and disclosure is required as |
| 13 | terms and conditions were not passed to us at                                     | 13 | being had when the loan defaults.              |
| 14 | conversion for some of the loans.   | 14 | Q. Do you have any information for the         |
| 15 | O. Okay. Are the terms and conditions   | 15 | mailing of that disclosure statement to the    |
| 16 | kept with the credit agreements?  | 16 | borrower and the co-borrower?                  |
| 17 | A. They are not kept with the credit  | 17 | MS. SCRIVANI: Objection.                       |
| 18 | agreements. We do have files that have terms                                      | 18 | THE WITNESS: No, I do not.                     |
| 19 | and conditions for every single prom note   | 19 | BY MS. HENRY:                                  |
| 20 | excuse me, program year and original lender.                                      | 20 | Q. Is any of that information regarding        |
| 21 | Q. Okay. Do you transfer information  | 21 | mailing kept in any of the systems for the     |
| 22 | about disbursement to Transworld System, Inc.?                                    | 22 | 2007-3 trust?                                  |
| 23 | MS. SCRIVANI: Objection.  | 23 | MS. SCRIVANI: Objection.                       |
| 24 | THE WITNESS: What,  | 24 | THE WITNESS: Not that I have                   |
| 25 | specifically, are you referring to when you say                                   | 25 | seen.  |
|    |   |    |  |
|    | Page 52   |    | Page 53  |
| 1  | BY MS. HENRY:   | 1  | a copy of a check, but to my knowledge, that   |
| 2  | Q. What about copies of canceled  | 2  | was not a requirement that they include that   |
| 3  | checks, are those kept for the 2007-3 trust?                                      | 3  | information.                                   |
| 4  | MS. SCRIVANI: Objection.  | 4  | Specific to this specific borrower,            |
| 5  | THE WITNESS: Copies of  | 5  | I did not see a copy of a check in their loan  |
| 6  | canceled checks from who?   | 6  | file that we received at origination.          |
| 7  | BY MS. HENRY:   | 7  | BY MS. HENRY:                                  |
| 8  | Q. From the borrowers at disbursement.  | 8  | Q. Okay. For the other 2007-3 trusts,          |
| 9  | A. I'm not sure why we would be getting   | 9  | have you ever seen a copy of the check in the  |
| 10 | a copy of the canceled check.   | 10 | loan files?                                    |
| 11 | Q. Okay.  | 11 | MS. SCRIVANI: Objection.                       |
| 12 | A. I don't understand the question.   | 12 | THE WITNESS: I don't recall                    |
| 13 | Q. Do you have any copies of checks   | 13 | seeing a copy of a check. Again, it's possible |
| 14 | that were disbursed to borrowers or copies of                                     | 14 | there may have been one, but I don't,          |
| 15 | checks that were actually cashed by borrowers                                     | 15 | specifically, recall.                          |
| 16 | for proof of disbursement of the loan funds?                                      | 16 | I'm sorry. There's a lot of                    |
| 17 | MS. SCRIVANI: Objection. You  | 17 | pounding going on outside my office. Would I   |
| 18 | can answer.   | 18 | be able to step out for a minute and ask them  |
| 19 | THE WITNESS: So we're getting   | 19 | to stop?                                       |
| 20 | the loan when it's disbursed, so it's highly                                      | 20 | MS. SCRIVANI: Is it a good                     |
| 21 | unlikely that we would have a copy of the check                                   | 21 | time for a break? We've been going about an    |
| 22 | that was cashed by the borrower because that                                      | 22 | hour.  |
| 23 | would not be included in the origination files.  There could be an instance where | 23 | MS. HENRY: Yeah, we can take                   |
| 24 |   | 24 | a five-minute break.                           |
| 25 |   | 25 |  |
| 25 | their origination documents may have contained                                    | 25 | (Short recess taken.)                          |

| 1  | Page 54<br>BY MS. HENRY:  | 1  | Page 55<br>BY MS. HENRY:   |
|--|---|--|--|
| 2  | Q. Ms. Wilbert, you said that PHEAA   | 2  | Q. Okay. So can you tell me can you  |
| 3  | receives documents from others and are required   | 3  | tell me what you know about the origination  |
| 4  | to receive some documents.  | 4  | process for these 2007-3 loans?  |
| 5  | Can you tell me, what documents are   | 5  | MS. SCRIVANI: Objection.   |
| 6  | you required to have for the 2007-3 trust?  | 6  | This is well beyond the scope of the topics.   |
| 7  |   | 7  |  |
| '  | MS. SCRIVANI: Objection. You  |  | I'm going to instruct her not to answer.  BY MS. HENRY:  |
| 8  | can answer.   | 8  |  |
| 9  | THE WITNESS: The credit   |  | Q. Ms. Wilbert, can you tell me about  |
| 10   | agreement and disclosure statement are two documents that we need to maintain. So we need   | 10   | the origination of the 2007-3 loans?   |
| 11   |   | 11   | MS. SCRIVANI: My objection   |
| 12   | to have those included in the origination   | 12   | and instruction stands.  |
| 13   | files.  | 13   | MS. HENRY: So you're   |
| 14   | BY MS. HENRY:   | 14   | instructing her not to answer?   |
| 15   | Q. Are there any other documents that   | 15   | MS. SCRIVANI: I have done it   |
| 16   | you're required to maintain?  | 16   | twice, yeah.   |
| 17   | A. No.  | 17   | BY MS. HENRY:  |
| 18   | Q. Is there any other information you   | 18   | Q. So Ms. Wilbert, do you know who   |
| 19   | are required to maintain?   | 19   | originated these loans?  |
| 20   | MS. SCRIVANI: Objection.  | 20   | MS. SCRIVANI: You can answer   |
| 21   | THE WITNESS: We maintain the  | 21   | that.  |
| 22   | borrower's loan records, but we, if it is past  | 22   | THE WITNESS: The loans were  |
| 23   | the origination, we would maintain the  | 23   | originated by FMER on behalf of TERI, The  |
| 24   | documents that are passed to us, but we need to   | 24   | Education Resources Institute.   |
| 25   | have the credit agreement and disclosure.   | 25   | BY MS. HENRY:  |
|  | P 56  |  | D 58   |
| 1  | Page 56 Q. And can you tell me, what is FMER?   | 1  | Page 57 but I don't know what was occurring on the back  |
| 2  | A. First Marblehead Education   | 2  | end outside of the as far as our   |
| 3  | Resources.  | 3  | involvement, that activity transferred from the  |
| 4  | Q. And what is TERI?  | 4  | 2007-3 from TERI to FMDS at the time and then  |
| 5  | A. TERI was the quarantor on the loans  | 5  | the special servicers.   |
| 6  | until they filed for bankruptcy in 2008.  | 6  | BY MS. HENRY:  |
| 7  | Q. Okay. And do you know, do those two  | 7  | Q. Who is FMDS?  |
| 8  | entities exist any longer?  | 8  | A. First Marblehead Data Services.   |
| 9  | A. In their current form, I don't I   | 9  | Q. And what was their role with the  |
| 10   | don't know.   | 10   | trust?   |
| 11   | Q. Okay. Do those two entities have   | 11   | A. They were the administrator.  |
| 12   | anything to do with the 2007-3 trust loans  | 12   | Q. And did they give direction to  |
| 1  | , 11 200 . 3 CLASC LOAD   |  | • •  |
| 13   | today?  | 113  | PHEAA?   |
| 13<br>14   | today?  MR. ROTA: Objection.  | 13   | PHEAA?  MR. ROTA: Objection.   |
| 14   | MR. ROTA: Objection.  | 14   | MR. ROTA: Objection.   |
| 14<br>15   | MR. ROTA: Objection. THE WITNESS: Not that I'm  | 14<br>15   | MR. ROTA: Objection. MS. SCRIVANI: I'm going to  |
| 14<br>15<br>16   | MR. ROTA: Objection.  THE WITNESS: Not that I'm aware of. Not from our perspective as a   | 14<br>15<br>16   | MR. ROTA: Objection.  MS. SCRIVANI: I'm going to object. This is, again, going well beyond the   |
| 14<br>15<br>16<br>17                                     | MR. ROTA: Objection.  THE WITNESS: Not that I'm aware of. Not from our perspective as a servicer.   | 14<br>15<br>16<br>17                                     | MR. ROTA: Objection.  MS. SCRIVANI: I'm going to object. This is, again, going well beyond the scope of the very limited issue that  |
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| 1  | Page 58 MS. SCRIVANI: I'm instructing  | 1  | Page 59 Q. Not that you're aware of?  |
|--|--|--|---|
| 2  | you not to answer. Let's move on.  | 2  | A. I don't know I would not know if   |
| 3  | MS. HENRY: You're instructing  | 3  | they had origination documents at this point in   |
| 4  | her not to answer the question that she raised   | 4  | time.   |
| 5  | as to FMDS and who they are and what they do?  | 5  | Q. I'm asking you, did they have  |
| 6  | MS. SCRIVANI: She didn't   | 6  | origination documents at some point in time?  |
| 7  | raise the issue. You have been going down  | 7  | MR. ROTA: Objection.  |
| 8  | rabbit holes.  | 8  | MS. SCRIVANI: Objection. You  |
| 9  | MS. HENRY: She has she has   | 9  | can answer if you know what other people had.   |
| 10   | raised the issue as to FMDS and I've asked her   | 10   | THE WITNESS: FMER, on behalf  |
| 11   | who are they and what do they do.  | 11   | of TERI, would have transferred the origination   |
| 12   | MS. SCRIVANI: And she  | 12   | documents to us, so they would have had the   |
| 13   | answered that question. So I'm instructing her   | 13   | documents before they transferred them to us.   |
| 14   | not to answer your outstanding question. Move  | 14   | What they did with them after, I  |
| 15   | on.  | 15   | don't know.   |
| 16   | BY MS. HENRY:  | 16   | BY MS. HENRY:   |
| 17   | Q. So these entities that no longer  | 17   | Q. Okay. So my question is, does PHEAA  |
| 18   | have anything to do with the trust, did they   | 18   | have all available origination documents for  |
| 19   | have origination documents for the 2007-3  | 19   | the 2007-3 trust?   |
| 20   | trust?   | 20   | MS. SCRIVANI: Objection.  |
| 21   | MR. ROTA: Objection.   | 21   | THE WITNESS: We have the  |
| 22   | MS. SCRIVANI: You can answer.  | 22   | documents in which were provided to us at   |
| 23   | THE WITNESS: Not that I'm  | 23   | origination.  |
| 24   | aware of.  | 24   | BY MS. HENRY:   |
| 25   | BY MS. HENRY:  | 25   | Q. Okay. And who provided them to you?  |
|  |  |  |   |
|  |  |  |   |
|  | Page 60  |  | Page 61   |
| 1  | A. I thought I already answered that,  | 1  | MR. ROTA: Objection.  |
| 2  | A. I thought I already answered that, but FMER on behalf of TERI.  | 2  | MR. ROTA: Objection.  THE WITNESS: I do not know.   |
| 2 3  | A. I thought I already answered that, but FMER on behalf of TERI.  Q. Okay. And would there be, to the   | 2 3  | MR. ROTA: Objection.  THE WITNESS: I do not know.  BY MS. HENRY:  |
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| 1  |   |  |  |
|--|---|--|--|
| -  | Page 62   | 1  | Page 63  |
| 2  | MR. ROTA: Objection. MS. SCRIVANI: Objection.   | 1 2  | were original documents, they would have been sent directly to us as originals.  |
| 3  | -   | 3  |  |
|  | Calls for a legal conclusion.   |  | If they were electronic, because   |
| 4  | If you understand the question and  | 4  | they were deemed an original versus by an  |
| 5  | can answer it, go ahead.  | 5  | electronic signature, there was a file transfer  |
| 6  | THE WITNESS: I cannot answer  | 6  | process that was established between PHEAA and   |
| 7  | that.   | 7  | FMER to receive those documents and load them  |
| 8  | BY MS. HENRY:   | 8  | into our repository.   |
| 9  | Q. Let me simplify it for you. When   | 9  | BY MS. HENRY:  |
| 10   | PHEAA receives these documents at conversion,   | 10   | Q. And do you have any documentation or  |
| 11   | after disbursement, from those that originated  | 11   | policies and procedures about that file  |
| 12   | the loans, what do they do to verify the  | 12   | transfer process?  |
| 13   | accuracy?   | 13   | MS. SCRIVANI: Objection.   |
| 14   | MS. SCRIVANI: Objection. If   | 14   | THE WITNESS: I do not at this  |
| 15   | you understand, you can answer.   | 15   | point in time.   |
| 16   | THE WITNESS: We are   | 16   | BY MS. HENRY:  |
| 17   | maintaining the documents that are passed to  | 17   | Q. It's my understanding that a number   |
| 18   | us. We have no obligation to verify the   | 18   | of those documents were sent by paper. Do you  |
| 19   | accuracy of what is passed to us.   | 19   | have a way of knowing whether Ms. Gosse's loan   |
| 20   | BY MS. HENRY:   | 20   | was sent to you in paper form or   |
| 21   | Q. Okay. And how were the credit  | 21   | electronically?  |
| 22   | agreements and the disclosure statements passed   | 22   | MR. ROTA: Objection.   |
| 23   | to PHEAA?   | 23   | THE WITNESS: If you want to  |
| 24   | MR. ROTA: Objection.  | 24   | pull up the actual credit agreement that we  |
| 25   | THE WITNESS: Again, if they   | 25   | provided, I can see if it's an electronic  |
|  |   |  |  |
|  | Page 64   |  | Page 65  |
| 1  | signature, but I did not validate that  | 1  | the entire document.   |
| 1 2  | signature, but I did not validate that information previously.  | 1 2  | the entire document.   |
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| 1   | Page 66<br>BY MS. HENRY:  | 1   | Page 67 signature document that you might have in the  |
|---|---|---|--|
| 2   | Q. It looks like that's all I can go.   | 2   | vault?   |
| 3   | A. Okay. Back up.   | 3   | MS. SCRIVANI: Objection.   |
| 4   | Yes. And that looks like it's an  | 4   | THE WITNESS: I would not know  |
| 5   | original signature, which would have been sent  | 5   | that.  |
| 6   | to us should have been sent to us in  | 6   | BY MS. HENRY:  |
| 7   | original form.  | 7   | Q. Do you have any way of knowing if a   |
| 8   | Again, I don't have access to the   | 8   | document is a wet signature or if it's a faxed   |
| 9   | original document, so I did not validate that   | 9   | in document?   |
| 10  | we have that original document. But that  | 10  | MS. SCRIVANI: Objection.   |
| 11  | should have been provided as an original.   | 11  | THE WITNESS: There are   |
| 12  | Q. Can you tell me what you're looking  | 12  | individuals that work in our records management  |
| 13  | at that tells you it's an original signature?   | 13  | department that receive these documents and  |
| 14  | MR. ROTA: Objection.  | 14  | validate them and have special notations to  |
| 15  | THE WITNESS: Again, I said it   | 15  | indicate in their repositories if an original  |
| 16  | looks to me like it should be and it looks like   | 16  | was received and is housed in the warehouse  |
| 17  | an actual signature versus an electronic  | 17  | versus a copy coming in through FileNet.   |
| 18  | signature.  | 18  | BY MS. HENRY:  |
| 19  | BY MS. HENRY:   | 19  | Q. So do you know if there is an   |
| 20  | Q. Oh, I see what you mean. Okay.   | 20  | original for this loan?  |
| 21  | So let me ask it again. Do you know   | 21  | MS. SCRIVANI: Objection,   |
| 22  | if this is a wet signature document that would  | 22  | asked and answered.  |
| 23  | have been mailed in after the what's that?  | 23  | THE WITNESS: I do not know if  |
| 24  | A. I do not know.   | 24  | there is an original.  |
| 25  | Q. Okay. Do you know if this is a wet   | 25  | MR. ROTA: Excuse me. We keep   |
|   | Q. Oray. Do you know it this is a wet   |   |  |
|   | *   | 23  | THE ROTTE EROUDE ME. HE REEP   |
|   | Page 68   |   | Page 69  |
| 1   | Page 68 using the term "original" in multiple different   | 1   | Page 69 warehouse.   |
| 1 2   | Page 68 using the term "original" in multiple different ways. Is there another way to make this more  | 1 2   | Page 69 warehouse.  Q. All right. So in your files, is   |
| 1 2 3   | Page 68 using the term "original" in multiple different ways. Is there another way to make this more clear about what everyone is talking about?  | 1 2 3   | Page 6 warehouse.  Q. All right. So in your files, is this information that's unredacted; is that  |
| 1<br>2<br>3<br>4  | Page 68 using the term "original" in multiple different ways. Is there another way to make this more clear about what everyone is talking about?  Does original mean wet signature?   | 1<br>2<br>3<br>4  | Page 69 warehouse.  Q. All right. So in your files, is this information that's unredacted; is that right?  |
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| 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22  | Page 68 using the term "original" in multiple different ways. Is there another way to make this more clear about what everyone is talking about? Does original mean wet signature?  MS. HENRY: Let's make it clear. BY MS. HENRY:  Q. Do you know if there is a wet signature for this document?  A. I do not know.  Q. Okay. And you said that there is a records team that validates such records; is that right?  MR. ROTA: Objection.  THE WITNESS: Correct. BY MS. HENRY:  Q. And what do you mean by validate them; how would you validate them?  A. They would confirm that the files, the number of files that we were expected to receive in the transfer process was, in fact, loaded into the imaging system, and they would | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22          | Page 6 warehouse.  Q. All right. So in your files, is this information that's unredacted; is that right?  A. Correct. Q. And let's look at the second document. Is there any way of knowing here whether this document came in in paper form or electronic form to PHEAA?  MR. ROTA: Objection.  THE WITNESS: No.  BY MS. HENRY: Q. I'm going to stop sharing for now, but I'm going to probably come back to that.  Do you have any specific procedures for the 2007-3 trust?  MS. SCRIVANI: Objection, beyond the scope. If you have questions related to tracking or ownership, she is prepared to testify about that.  BY MS. HENRY: Q. Ms. Wilbert? |

| 1  | Page 70 BY MS. HENRY:                           | 1  | Page 71 A. Not specific to the declaration.     |
|----|---|----|---|
| 2  | Q. So I'm going to ask you a few things         | 2  | The conversations have been over my career at   |
| 3  | about your declaration. So I'm going to         | 3  | PHEAA.  |
| 4  | actually put that back on the screen. So in     | 4  | Q. Oh. Okay. Were there any specific            |
| 5  | Paragraph No. 2, can I have you read that?      | 5  | employees that you were referring to in         |
| 6  | A. "I am the director of client                 | 6  | Paragraph 2?                                    |
| 7  | relations of Pennsylvania Higher Education      | 7  | MS. SCRIVANI: Objection.                        |
| 8  | Assistance Agency, PHEAA. The contents of this  | 8  | THE WITNESS: No.                                |
| 9  | declaration are based on my personal knowledge  | 9  | BY MS. HENRY:                                   |
| 10 | and through my discussions with other PHEAA     | 10 | Q. Okay. And it says your                       |
| 11 | employees. My responsibilities at PHEAA         | 11 | responsibilities included the maintenance and   |
| 12 | include knowledge of PHEAA's maintenance and    | 12 | storage of data, record-keeping, document       |
|    | 3   | 13 |   |
| 13 | storage of data, record-keeping, document       |    | retention, destruction policies; correct?       |
| 14 | retention and destruction policies."            | 14 | A. Correct.                                     |
| 15 | Q. Okay. So my question to you is, we           | 15 | Q. Currently, does PHEAA have document          |
| 16 | talked earlier and you didn't mention that      | 16 | retention and destruction policies?             |
| 17 | there were any other discussions with any other | 17 | A. We do.                                       |
| 18 | employees.                                      | 18 | Q. And what is your experience with             |
| 19 | So to do this declaration, did you              | 19 | working with this document retention and        |
| 20 | have discussions with other employees at PHEAA? | 20 | destruction policy?                             |
| 21 | MS. SCRIVANI: Objection. You                    | 21 | A. Can you clarify your question?               |
| 22 | can answer.                                     | 22 | Q. What is your experience in working           |
| 23 | MR. ROTA: Objection.                            | 23 | with the destruction and retention policies?    |
| 24 | BY MS. HENRY:                                   | 24 | MS. SCRIVANI: Same objection                    |
| 25 | Q. Ms. Wilbert?                                 | 25 | to the same question.                           |
|    | Page 72   |    | Page 73   |
| 1  | THE WITNESS: I'm not clear                      | 1  | MR. ROTA: Objection.                            |
| 2  | what you're asking as far as my experience.     | 2  | BY MS. HENRY:                                   |
| 3  | BY MS. HENRY:                                   | 3  | Q. What's your knowledge of the                 |
| 4  | Q. Okay. Let me go back. It says here           | 4  | destruction policies?                           |
| 5  | that your responsibilities include              | 5  | A. We have a retention and destruction          |
| 6  | record-keeping and document retention and       | 6  | policy. However, for the trust, we are not      |
| 7  | destruction policies; correct?                  | 7  | currently destroying any data for the trust.    |
| 8  | A. It actually says                             | 8  | Q. Is there any data that's original to         |
| 9  | MR. ROTA: Objection.                            | 9  | destroy?  |
| 10 | THE WITNESS: my                                 | 10 | MR. ROTA: Objection.                            |
| 11 | responsibilities include knowledge of, not      | 11 | MS. SCRIVANI: I'm sorry, what                   |
| 12 | my direct responsibilities do not include       | 12 | was the question?                               |
| 13 | record retention. I have knowledge of record    | 13 | BY MS. HENRY:                                   |
| 14 | retention.                                      | 14 | Q. Is there any original data to                |
| 15 | BY MS. HENRY:                                   | 15 | destroy of the trust?                           |
| 16 | Q. Okay. Understood.                            | 16 | MR. ROTA: Objection.                            |
| 17 | So what do you mean when you say                | 17 | MS. SCRIVANI: Objection.                        |
| 18 | your responsibilities include that kind of      | 18 | THE WITNESS: We do have                         |
| 19 | knowledge?                                      | 19 | original data that is pertaining to the trust,  |
| 20 | MS. SCRIVANI: Objection.                        | 20 | yes, that would go beyond our retention period. |
| 21 | THE WITNESS: I have knowledge                   | 21 | BY MS. HENRY:                                   |
|    |   | 22 |   |
| 22 | of how we are retaining these documents that    |    | Q. Okay. But you just said that you             |
| 23 | we're speaking of.                              | 23 | were no longer destroying anything for the      |
| 24 | DV MC TIENDY.                                   |    |   |
| ٦٢ | BY MS. HENRY:                                   | 24 | trust.  |
| 25 | BY MS. HENRY: Q. Okay. And the destruction?     | 25 | trust.  MS. SCRIVANI: Objection.                |

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Page 74
                                                                                                          Page 75
        BY MS. HENRY:
                                                                             Okay. Why is that?
 1
                                                           1
                                                                       Ο.
 2
                                                                             I don't know if I can answer that
                   My question is why?
                                                           2
                                                                       Α.
             0.
 3
                        MS. SCRIVANI:
                                                           3
                                                                  specifically, but we were instructed that,
 4
       Mischaracterizes testimony. You can answer if
                                                           4
                                                                  specific to the trust, we are not permitted to
                                                                  destroy data at this time.
 5
       you understand the question.
                                                           5
                        THE WITNESS: Sorry, Stacey, I
                                                                             And who gave you that instruction?
 6
 7
                                                           7
        didn't hear what you said.
                                                                             PHEAA attorneys.
                                                                       Α.
 8
                        MS. SCRIVANI: I was objecting
                                                           8
                                                                             And do you know why?
                                                                       Ο.
9
        to her question, that it mischaracterizes your
                                                                                  MS. SCRIVANI: Objection.
                                                           9
10
        testimony because she was making the impression
                                                          10
                                                                  Invokes the attorney-client privilege. I'll
        that, at some point, PHEAA changed their
11
                                                          11
                                                                  instruct her not to answer.
12
       position on whether or not to destroy original
                                                          12
                                                                                  MS. HENRY: Okay.
13
        data related to --
                                                          13
                                                                  BY MS. HENRY:
14
                        MS. HENRY: I'm sorry, it's
                                                          14
                                                                             And so outside of yourself, who are
        really not appropriate to be having --
15
                                                          15
                                                                  people who have knowledge of the destruction
16
        explaining that to the witness. I'm going to
                                                          16
                                                                  and retention policies of the trust?
17
        ask you to stop. I'm going to try to ask the
                                                          17
                                                                                  MS. SCRIVANI: Objection, it's
18
                                                                  beyond the scope. Instruct you not to answer.
        question again.
                                                          18
19
        BY MS. HENRY:
                                                          19
                                                                  BY MS. HENRY:
20
                   I'm looking back, and you said that
                                                          20
                                                                             Ms. Wilbert?
                                                          21
21
        you have retention and destruction policy.
                                                                                  MS. SCRIVANI: I instructed
22
       However, for the trust, we are not currently
                                                          22
                                                                  her not to answer.
23
       destroying any data for the trust; is that
                                                          23
                                                                  BY MS. HENRY:
24
        correct?
                                                          24
                                                                       Q.
                                                                             All right. Does anyone at TSI have
25
                                                          25
                                                                  knowledge of PHEAA's document retention and
            Α.
                   That's correct.
                                                                                                          Page 77
                                                Page 76
1
        destruction policies?
                                                           1
                                                                                  THE WITNESS: Same answer.
 2
                        MR. ROTA: Objection.
                                                           2
                                                                  Again, I have never been asked, specifically,
 3
                        MR. SHARTLE: Objection.
                                                           3
                                                                  by TSI. But I don't know what knowledge they
 4
                        MS. SCRIVANI: Objection.
                                                           4
                                                                  have.
 5
                        THE WITNESS: To my knowledge,
                                                           5
                                                                  BY MS. HENRY:
                                                           6
 6
        they have never requested our document
                                                                             Well, let me clarify that for
7
       retention and destruction policy.
                                                           7
                                                                  today's deposition, you are speaking on behalf
 8
        BY MS. HENRY:
                                                           8
                                                                  of PHEAA, not just yourself; is that correct?
 9
             Ο.
                   Does anyone at TSI have knowledge of
                                                           9
                                                                       A.
                                                                             That's correct.
       your record-keeping at --
                                                          10
10
                                                                                  MS. SCRIVANI: Objection.
11
                        MR. SHARTLE: Objection.
                                                          11
                                                                  BY MS. HENRY:
12
                        MS. SCRIVANI: Objection.
                                                          12
                                                                             Would your answers be different on
13
       BY MS. HENRY:
                                                          13
                                                                  behalf of PHEAA as opposed to just yourself?
                                                                                  MS. SCRIVANI: She is not here
                   Record-keeping policies at PHEAA?
                                                          14
14
             Q.
15
                        MR. SHARTLE: Same objection.
                                                          15
                                                                  to testify on behalf of PHEAA with respect to
                        THE WITNESS: Again, I don't
                                                                  those questions because they are outside the
16
                                                          16
       know what knowledge TSI has. I'm not -- I
17
                                                          17
                                                                  scope of the deposition.
18
       don't ever recall providing them specific
                                                          18
                                                                                  MS. HENRY: I respectfully
19
       procedures or policies.
                                                          19
                                                                  disagree. So I'm going to continue to ask my
                                                                  question.
20
       BY MS. HENRY:
                                                          20
21
                   Okay. Do you know if TSI has any
                                                                                  MS. SCRIVANI: You can answer
                                                          21
22
       knowledge of PHEAA's maintenance and storage of
                                                          22
                                                                  if you know.
23
        data for the 2007-3 trust?
                                                          23
                                                                                  THE WITNESS: No, I don't
24
                        MR. SHARTLE: Objection.
                                                          24
                                                                  believe -- no, they would not be different.
25
                        MS. SCRIVANI: Objection.
                                                          25
                                                                  BY MS. HENRY:
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| 1  |  | l  |   |
|--|--|--|---|
| 1 1  | Page 78  | 1  | Page 79   |
|  | Q. Okay. Have you asked anyone, in   | 1  | My File Gateway, as well as our credit  |
| 2  | preparation for today's testimony, about any   | 2  | reporting history for the specific borrowers.   |
| 3  | training given to employees at TSI regarding   | 3  | Q. Okay. And do you know how many   |
| 4  | the trust documents?   | 4  | employees at TSI have access, real-time access  |
| 5  | A. No.   | 5  | to AES documents?   |
| 6  | Q. Isn't it true that employees of TSI   | 6  | MS. SCRIVANI: Objection.  |
| 7  | have real-time access to AES's systems?  | 7  | THE WITNESS: I do not know  |
| 8  | MS. SCRIVANI: Objection. You   | 8  | the number of employees that have real-time   |
| 9  | can answer.  | 9  | access. It can change on a daily basis.   |
| 10   | THE WITNESS: That's correct.   | 10   | BY MS. HENRY:   |
| 11   | BY MS. HENRY:  | 11   | Q. Do you know how they gain access to  |
| 12   | Q. And they have access to the COMPASS   | 12   | the records of PHEAA?   |
| 13   | system; correct?   | 13   | MS. SCRIVANI: Objection.  |
| 14   | MS. SCRIVANI: Objection.   | 14   | THE WITNESS: Yes. That  |
| 15   | THE WITNESS: They have   | 15   | request would come through the relationship   |
| 16   | read-only access to COMPASS.   | 16   | manager who then works with our business  |
| 17   | BY MS. HENRY:  | 17   | support group to set up that access. They   |
| 18   | Q. They have read-only access. And do  | 18   | submit an access request form to us.  |
| 19   | they have access to any other systems at AES or  | 19   | BY MS. HENRY:   |
| 20   | PHEAA?   | 20   | Q. Okay. Does that access request   |
| 21   | A. Yes. They have access to  | 21   | form, does it can anybody make an access  |
| 22   | PageCenter.  | 22   | request form?   |
| 23   | Q. Anything else?  | 23   | MS. SCRIVANI: Objection.  |
| 24   | A. They may have access to the   | 24   | THE WITNESS: There is a   |
| 25   | within the lender portal, they have access to  | 25   | designated individual that's responsible for  |
|  |  |  |   |
|  | Page 80  |  |   |
|  | 3  |  | Page 81   |
| 1  | providing the access request form for each   | 1  | with the agency went to NCO to perform such   |
| 1 2  | providing the access request form for each client. So, no, anyone cannot request the   | 1 2  | with the agency went to NCO to perform such training.   |
|  | providing the access request form for each   |  | with the agency went to NCO to perform such training.  Q. And do you know what that training  |
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|          | <u>-</u>  |          |  |
|----------|---|----------|--|
| 1        | Page 82   | 1        | Page 83  |
| 2        | Q. Was there any training provided concerning the maintenance and storage of data | 2        | BY MS. HENRY:  |
| 3        | that PHEAA has for the trust documents?   | 3        |  |
| 4        | MS. SCRIVANI: Objection.  | 4        | Q. In 2001, there was a servicing agreement between First Marblehead and PHEAA;              |
| 5        | THE WITNESS: No, not that I'm   | 5        | is that correct?   |
| 6        | aware of.   | 6        | A. That's correct.   |
| 7        | BY MS. HENRY:   | 7        | Q. And that's referenced in Paragraph 5  |
| 8        |   | 8        | of your declaration and attached as Exhibit A;   |
| 9        | Q. I'm going to have you look at Paragraph 5 of your declaration. So can you      | 9        | is that correct?   |
|          |   | 10       | A. That's correct.   |
| 10<br>11 | tell me about this 2001 servicing agreement                                       | 11       | Q. And in 2006 in 2006, in   |
| 12       | between PHEAA and First Marblehead Corporation?                                   | 12       | ~ '  |
|          | MS. SCRIVANI: Objection.  |          | September, that agreement was amended and  |
| 13       | This goes beyond the scope of her topics here.                                    | 13       | restated and it is also attached to your   |
| 14       | I don't even know what you're asking about  | 14       | declaration, Exhibit B; is that correct?   |
| 15       | but   | 15       | A. That's correct.   |
| 16       | MS. HENRY: I'm sorry. I'm   | 16       | Q. Do you know why that servicing  |
| 17       | asking about her declaration that's been filed                                    | 17       | agreement was amended in 2006?   |
| 18       | in this case in support of the summary judgment                                   | 18       | MS. SCRIVANI: Objection.   |
| 19       | that is at issue in this Subpoena and   | 19       | Only if you know.  |
| 20       | deposition.   | 20       | THE WITNESS: I do not know.  |
| 21       | MS. SCRIVANI: Well, what is   | 21       | BY MS. HENRY:  |
| 22       | your question?  | 22       | Q. Isn't it true that that document was  |
| 23       | MS. HENRY: Let me rephrase my   | 23       | amended to be updated to comply with regulatory  |
| 24       | question.   | 24       | requirements that PHEAA had for servicing  |
| 25       | MS. SCRIVANI: Okay. Go  | 25       | loans?   |
|          | Page 84   |          | Page 8   |
| 1        | MS. SCRIVANI: Objection,  | 1        | reasons.   |
| 2        | asked and answered.   | 2        | BY MS. HENRY:  |
| 3        | THE WITNESS: I don't know the   | 3        | Q. Okay. Do you know when U.S. Bank  |
| 4        | specific reason why the agreement was amended                                     | 4        | became involved with these 2007-3 loans?   |
| 5        | and restated.   | 5        | MS. SCRIVANI: Objection, well  |
| 6        | BY MS. HENRY:   | 6        | beyond the scope of this deposition.   |
| 7        | Q. Could you find out why it was  | 7        | THE WITNESS: Are you asking  |
| 8        | amended could you find out why it was   | 8        | anything specifically? I don't know the  |
| 9        | amended and restated?   | 9        | specific date that they became involved. I   |
| 10       | MS. SCRIVANI: Objection.  | 10       | know in 2012, they became involved as the  |
| 11       | THE WITNESS: I don't believe  | 11       | special servicer, and that's when we began   |
| 12       | so. The individuals that worked on the  | 12       | working with them more directly.   |
| 13       | portfolio at the time are no longer at the  | 13       | But other than that, I don't know a  |
| 14       | agency.   | 14       | specific date.   |
| 15       | BY MS. HENRY:   | 15       | BY MS. HENRY:  |
| 16       | Q. So no one at PHEAA would know why  | 16       | Q. Does U.S. Bank give any direction to  |
| 17       | that amendment was done?  | 17       | PHEAA regarding these loans?   |
| L8       | MS. SCRIVANI: Objection.  | 18       | MR. ROTA: Objection.   |
| 19       | THE WITNESS: I don't know.  | 19       | MS. SCRIVANI: Beyond the   |
| 20       | There could be notations in our contract  | 20       | scope.   |
| 21       | workflow, but I wasn't involved at the time, so                                   | 21       | BY MS. HENRY:  |
| 22       | I don't know what the specific reasons were or                                    | 22       | Q. Ms. Wilbert?  |
| 23       | if they are outlined.   | 23       | A. We have had discussions with U.S.   |
|          | II LUEV ALE CULTIMEG.   | 43       | A. WE HAVE HAD QISCUSSIONS WITH U.S.   |
|          | -   | 24       | Panle and those have provided feedback to items  |
| 24       | We could have amended and restated  | 24       | Bank, and they have provided feedback to items   |
| 24<br>25 | -   | 24<br>25 | Bank, and they have provided feedback to items specific to all of the trusts. It wasn't just |

|    | 1  |    |   |
|----|--|----|---|
| 1  | Page 86 specifically U.S. Bank. But they were involved | 1  | Page 87<br>MS. HENRY: That may be your          |
| 2  | in the discussions.                                    | 2  | hard stop if you're saying it has to be         |
| 3  | Q. Okay. And who gives direction to                    | 3  | continued, but that's not knowledge to me.      |
| 4  | PHEAA regarding the servicing of the 2007-3            | 4  | MS. SCRIVANI: I'm saying it                     |
| 5  | loans?   | 5  | should be wrapped up by then.                   |
| 6  | MS. SCRIVANI: Objection,                               | 6  | MS. HENRY: You can say that,                    |
| 7  | beyond the scope.                                      | 7  | ma'am, but that's not necessarily what's going  |
| 8  | MR. ROTA: Objection.                                   | 8  | to happen. I'm going to just continue asking    |
| 9  | MS. SCRIVANI: I'm instructing                          | 9  | my questions.                                   |
| 10 | you not to answer. We need to move on to the           | 10 | BY MS. HENRY:                                   |
| 11 | topics related to the ownership of 2007-3 loans        | 11 | Q. So I'm going to ask you, in                  |
| 12 | and how that's reflected in PHEAA's system. I          | 12 | Paragraph 8, you said here, "In connection with |
| 13 | have a hard stop at 3:00.                              | 13 | servicing the loans, PHEAA's duties included    |
| 14 | MS. HENRY: I'm actually on                             | 14 | servicing responsibilities on behalf of the     |
| 15 | the declaration, which is part of the Subpoena         | 15 | original lending banks."                        |
| 16 | and the Exhibit A documents, so this is this           | 16 | Can you tell me, what                           |
| 17 | is directly relevant to where we are, and this         | 17 | responsibilities did PHEAA have on behalf of    |
| 18 | is the outline of questioning that I'm asking          | 18 | the original lending banks?                     |
| 19 | the witness at this time.                              | 19 | A. The same responsibilities I've               |
| 20 | MS. SCRIVANI: Well, let me                             | 20 | already stated regarding the trust, which would |
| 21 | just be clear. I have a hard stop at 3:00              | 21 | include sending correspondence to the borrower, |
| 22 | which will have this deposition going four             | 22 | taking their phone calls, sending billing       |
| 23 | hours, which will be way longer than it needed         | 23 | statements, interest notices, servicing the     |
| 24 |  | 24 | loan.   |
| 25 | to. So I'm suggesting the time be used efficiently.    | 25 | O. Was that done on behalf of the               |
| 25 | efficienciy.   | 25 | Q. was that done on behalf of the               |
|    | Page 88  |    | Page 89   |
| 1  | lending banks?   | 1  | lender, which was JPMorgan Chase. Other loans   |
| 2  | A. Yes, before they were sold to the                   | 2  | under the 2007-3 trust could have had different |
| 3  | trust.   | 3  | disbursement dates, so that timeframe could     |
| 4  | Q. Okay. So PHEAA was servicing these                  | 4  | vary.   |
| 5  | loans before they started before they were             | 5  | BY MS. HENRY:                                   |
| 6  | sold to the trust?                                     | 6  | Q. Okay.  |
| 7  | A. That's correct.                                     | 7  | A. It was                                       |
| 8  | Q. How long was for the 2007-3                         | 8  | Q. So do your servicing obligations             |
| 9  | loans, how long was PHEAA servicing these loans        | 9  | change when the servicing is your servicing     |
| 10 | before they were allegedly sold to the trust?          | 10 | is for the banks, lending banks, as opposed to  |
| 11 | MS. SCRIVANI: Objection.                               | 11 | when they're allegedly sold to the trust, do    |
| 12 | MR. ROTA: Objection.                                   | 12 | any of your duties change?                      |
| 13 | MS. SCRIVANI: Each loan is                             | 13 | MR. ROTA: Objection.                            |
| 14 | different.   | 14 | THE WITNESS: So there would                     |
| 15 | THE WITNESS: That could                                | 15 | be different obligations based on the servicing |
| 16 | vary   | 16 | guidelines. Obviously, the servicing            |
| 17 | MS. HENRY: I'm sorry, I'm                              | 17 | guidelines for our obligations, once the loan   |
| 18 | asking Ms. Wilbert.                                    | 18 | has been sold, would not come into play once    |
| 19 | THE WITNESS: They all have                             | 19 | the originating lender when the originating     |
| 20 | different disbursement dates, so that could            | 20 | lender is still holding the loan.               |
| 21 | vary. We began servicing the loan at                   | 21 | For example, delinquency notices                |
| 22 | disbursement. For example, Ms. Gosse's loan            | 22 | could change once the loan is sold because the  |
| 23 | was disbursed on 8/8/2007, if I recall                 | 22 | loan is likely, not all, but likely in          |
| 43 | was dispursed on 6/6/2007, if I recall                 | 23 | Todi is likely, not all, but likely in          |
| 24 | correctly, so we began servicing the loan at           | 24 | in-school status before the loan was purchased  |
|    |  |    |   |

| 1        | Page 90 statements or interest notices on behalf of the | 1        | Page 91<br>letter was deleted from our retention or data                                 |
|----------|---|----------|--|
| 2        | original lender, not necessarily delinquency            | 2        | pool that holds letters after ten years.   |
| 3        | statements or defaulting the loan, things like          | 3        | BY MS. HENRY:  |
| 4        | that.   | 4        | Q. So your data retention and  |
| 5        | So the servicing of the loan is                         | 5        | destruction policies delete those letters after  |
| 6        | different depending on the stage of that loan.          | 6        | ten years?   |
| 7        | The servicing guidelines themselves were the            | 7        | MS. SCRIVANI: Objection.   |
| 8        | same across the board.                                  | 8        | MR. ROTA: Objection.   |
| 9        | BY MS. HENRY:   | 9        | THE WITNESS: Correct.  |
| 10       | O. And does PHEAA send letters to                       | 10       | BY MS. HENRY:  |
| 11       | borrowers when the ownership of the loans               | 11       | Q. I'm sorry, can you answer the   |
| 12       | change?   | 12       | question?  |
| 13       | A. Yes.   | 13       | MS. SCRIVANI: She answered   |
| 14       | O. And was a letter sent to Ms. Gosse                   | 14       | it.  |
| 15       | when the ownership of the loan changed?                 | 15       | THE WITNESS: That's correct.   |
| 16       | A. Yes.   | 16       | MR. ROTA: Same objection.  |
| 17       | Q. And do you have the letter?                          | 17       | BY MS. HENRY:  |
|          | •   |          |  |
| 18       |   | 18       | Q. Okay. Do you know why there is  |
| 19       | copy of the letter showing being sent on our            |          | why the policies would delete such a letter?  MS. SCRIVANI: Objection.                   |
| 20       | servicing system in the history record which            | 20       | ,  |
| 21       | was provided to you.                                    | 21       | THE WITNESS: That's just the   |
| 22       | Q. Can you tell me why you do not have                  |          | data retention for those letters. I don't know   |
| 23       | a copy of the actual letter?                            | 23       | why. That's just the policy.   |
| 24       | MS. SCRIVANI: Objection.                                | 24       | BY MS. HENRY:  |
| 25       | THE WITNESS: Because that                               | 25       | Q. Okay. I'm going to stop the   |
|          | Page 92   |          | Page 93  |
| 1        | sharing.  | 1        | identification?  |
| 2        | So can you tell me, where does PHEAA                    | 2        | A. Yes.  |
| 3        | get the Social Security number information for          | 3        | Q. And do you get that as an electronic  |
| 4        | the borrowers?  | 4        | feed from  |
| 5        | A. It's   | 5        | MS. SCRIVANI: Objection,   |
| 6        | MS. SCRIVANI: Objection. Go                             | 6        | asked and answered.  |
| 7        | ahead.  | 7        | BY MS. HENRY:  |
| 8        | THE WITNESS: It's passed to                             | 8        | Q from FMER?   |
| 9        | us at origination.                                      | 9        | A. Yes, we did.  |
| 10       | BY MS. HENRY:   | 10       | Q. Okay. So, in this case, there was a   |
| 11       | Q. And passed at origination from whom?                 | 11       | default on Ms. Gosse's loan; correct?  |
| 12       | A. The originating entity.                              | 12       | A. That's correct.   |
| 13       | Q. And then for the 2007-3 trust, who                   | 13       | Q. And was the loan charged off?   |
| 14       | would that be?  | 14       | A. Yes, it was.  |
| 15       | MS. SCRIVANI: Objection,                                | 15       | Q. And what does charge off mean?  |
| 16       | asked and answered.                                     | 16       | A. It's essentially a default. These   |
| 17       | MR. ROTA: Objection.                                    | 17       | loans were posted as default transactions.   |
| 18       | THE WITNESS: FMER on behalf                             | 18       | Some clients have their loans charged off  |
| 19       | of TERI.  | 19       | versus claim paid. These loans initially were  |
| 20       | BY MS. HENRY:   | 20       | claim paid by the guarantor, TERI. However,  |
| 21       | Q. So FMER is passing you the Social                    | 21       | that did change when TERI filed for bankruptcy.  |
| 22       | Security number information?                            | 22       | So we continued to post these as   |
| 23       | A. They were, yes.                                      | 23       | 1030 transactions on our system, which is a  |
| 1        | ii. Iiicy were, yeb.                                    |          |  |
| 24       | Q. And are they also passing you the                    | 24       | claim paid transaction, but no longer a cash   |
| 24<br>25 | - · · · · · · · · · · · · · · · · · · ·                 | 24<br>25 | claim paid transaction, but no longer a cash scenario. It would be a non-cash situation. |

| 1  | Page 94<br>So charge off, claim paid is just  | 1  | Page 95 servicing agreement or the 2006 amended and   |
|--|---|--|---|
| 2  | terminology for a defaulted loan.   | 2  | restated agreement that we were looking at that   |
| 3  | Q. Okay. When you charge a loan off,  | 3  | were attached to your declaration, those  |
| 4  | do you send anything to the IRS, to the   | 4  | servicing agreements?   |
| 5  | borrower, if it's charged off?  | 5  | A. I don't remember off the top of my   |
| 6  | MS. SCRIVANI: Objection,  | 6  | head. There is assignment language in the   |
| 7  | beyond the scope. You can answer if you know.   | 7  | agreements, I believe. But I need to look at  |
| 8  | THE WITNESS: It depends on  | 8  |   |
|  | ÷   |  | the agreements to confirm.  |
| 9  | the client. I am not I'm not sure what the  | 9  | I know there is assignment language   |
| 10   | 1030 transaction code reports to the IRS.   | 10   | that is in documentation during the actual  |
| 11   | BY MS. HENRY:   | 11   | securitization. Several documents are signed  |
| 12   | Q. Are there any assignment documents   | 12   | at that time between the parties. But there is  |
| 13   | for the 2007-3 trust?   | 13   | also an assignment section, if I recall   |
| 14   | MS. SCRIVANI: Objection.  | 14   | correctly, in the servicing agreement as well.  |
| 15   | THE WITNESS: There is   | 15   | But you could certainly pull that up  |
| 16   | language in the agreements that the loans would   | 16   | to confirm that section.  |
| 17   | be assigned from the original the agreement   | 17   | Q. And is that a document that you  |
| 18   | would be assigned from the original lender to   | 18   | supplied either in your declaration or in the   |
| 19   | the trust. Is that what you're asking?  | 19   | documents that your attorney gave me yesterday?   |
| 20   | BY MS. HENRY:   | 20   | MS. SCRIVANI: Objection.  |
| 21   | Q. I don't know. Which agreements are   | 21   | THE WITNESS: Yes, the   |
| 22   | you referring to?   | 22   | servicing agreement is.   |
| 23   | A. The servicing agreements and the   | 23   | BY MS. HENRY:   |
| 24   | I'm trying to remember the specific language.   | 24   | Q. Okay. So but there is not any  |
| 25   | Q. Are you referring to the 2001  | 25   | individual assignments attached to each loan in   |
| 25   | Q. Are you receiving to the 2001  | 25   | individual assignments actached to each four in   |
|  |   |  |   |
|  | Page 96   |  | Page 97   |
| 1  | Page 96 FileNet; correct?   | 1  | Page 97<br>Q. Sorry. I'm actually referring to a  |
| 1 2  |   | 1 2  | 9   |
|  | FileNet; correct?   |  | Q. Sorry. I'm actually referring to a   |
| 2  | FileNet; correct?  MS. SCRIVANI: Objection.  THE WITNESS: I don't know  | 2  | Q. Sorry. I'm actually referring to a specific assignment document that would say one   |
| 2 3  | FileNet; correct?  MS. SCRIVANI: Objection.  THE WITNESS: I don't know what that means when you say "individual   | 2 3  | Q. Sorry. I'm actually referring to a specific assignment document that would say one entity assigned the document to someone else and signed off on it, an actual document. Do   |
| 2<br>3<br>4<br>5   | FileNet; correct?  MS. SCRIVANI: Objection.  THE WITNESS: I don't know what that means when you say "individual assignments in FileNet." I'm sorry.   | 2<br>3<br>4<br>5   | Q. Sorry. I'm actually referring to a specific assignment document that would say one entity assigned the document to someone else and signed off on it, an actual document. Do you see anything like that for Ms. Gosse's  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | MS. SCRIVANI: Objection.  THE WITNESS: I don't know what that means when you say "individual assignments in FileNet." I'm sorry. BY MS. HENRY:  Q. Okay. Well, there is no assignment document that refers to a specific loan in FileNet for the 2007-trust documents; correct?  MR. ROTA: Objection.   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | Q. Sorry. I'm actually referring to a specific assignment document that would say one entity assigned the document to someone else and signed off on it, an actual document. Do you see anything like that for Ms. Gosse's loan?  MS. SCRIVANI: Objection.  THE WITNESS: In FileNet, no.  Again, there is specific assignment language that would cover loans in the trust.   |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | MS. SCRIVANI: Objection.  THE WITNESS: I don't know what that means when you say "individual assignments in FileNet." I'm sorry. BY MS. HENRY:  Q. Okay. Well, there is no assignment document that refers to a specific loan in FileNet for the 2007-trust documents; correct?  MR. ROTA: Objection.  THE WITNESS: That's correct.  BY MS. HENRY:  Q. Is there an assignment for Ms. Gosse's loan?  MS. SCRIVANI: Objection.  THE WITNESS: Again, I don't know if we're talking about, when you say "assignment," if you mean the transfer letter. There is details that show the transfer, but I don't know if you're referring to the actual assignment that is in the servicing agreement. That would apply to the trust.               | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | Q. Sorry. I'm actually referring to a specific assignment document that would say one entity assigned the document to someone else and signed off on it, an actual document. Do you see anything like that for Ms. Gosse's loan?  MS. SCRIVANI: Objection.  THE WITNESS: In FileNet, no. Again, there is specific assignment language that would cover loans in the trust. BY MS. HENRY:  Q. Okay. Do you have any schedules, that term schedules  MR. ROTA: Objection.  BY MS. HENRY:  Q if you know what that means, do you have any schedules for the 2007-3 trust at PHEAA?  MS. SCRIVANI: Objection.  THE WITNESS: I'm not sure what you're asking. I know what a schedule is, but that could be a number of things. We have   |

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Page 98
                                                                                                          Page 99
 1
        is exactly.
                                                           1
                                                                             Do you have separate servicing
 2
       BY MS. HENRY:
                                                                  agreements with the originating banks, like
                                                           2
 3
                                                           3
                                                                  JPMorgan Chase, for servicing the 2007-3 loans?
                   What does schedules mean to you?
 4
            Α.
                   Schedule is normally a document that
                                                           4
                                                                                  MS. SCRIVANI: Objection.
                                                                                  THE WITNESS: We do have
 5
        is attached to an agreement or another document
                                                           5
        that would reference something. It could vary
                                                           6
                                                                  separate servicing agreements for all of our
 6
 7
        depending on what you're talking about. For
                                                           7
                                                                  banks, for those that we service for.
 8
        example, most of the documents related to the
                                                           8
                                                                             However, there is specific language
        agreement and guidelines have a schedule listed
9
                                                                  in the servicing agreement that references the
                                                           9
10
        with all of the trusts on it.
                                                          10
                                                                  original banks for which these programs will
11
                   Okay. And is that considered an
                                                          11
                                                                  apply to and that that assignment would occur
12
        assignment?
                                                          12
                                                                  from those original lenders to the trust.
13
                                                          13
                                                                  BY MS. HENRY:
                        MS. SCRIVANI: Objection.
14
                        MR. ROTA: Objection.
                                                          14
                                                                       Ο.
                                                                             Okay.
                        THE WITNESS: No, that's not
                                                                             Again, I would have to look at a
15
                                                          15
                                                                       Α.
16
        considered an assignment.
                                                          16
                                                                  document to reference that, but I know that
        BY MS. HENRY:
17
                                                          17
                                                                  that is referenced in those documents.
18
                   Okay. That's fine. Next topic.
                                                                             Okay. Why don't I do that just so
                                                          18
19
        I'm just going to ask you something I mentioned
                                                                  that we are on the same page and I understand
                                                          19
20
        before but I didn't quite get.
                                                          20
                                                                  what you're saying. All right. Where do you
21
                   You talked about servicing loans for
                                                          21
                                                                  want me to go here?
22
                                                          22
        the originating banks before they are
                                                                       A.
                                                                             You can start at the 2001 agreement.
23
        securitized and allegedly sold to the NCSLT
                                                          23
                                                                       Ο.
                                                                             That is Exhibit A so -- all right.
24
        trust. Okay?
                                                          24
                                                                       A.
                                                                             Go back up. I'm sorry, I was
25
                   Uh-huh.
                                                          25
            Δ.
                                                                  reading that last --
                                               Page 100
                                                                                                         Page 101
 1
             Q.
                   Okay. I'm sorry. I wasn't sure if
                                                           1
                                                                  been done for the 2007-3 trust.
 2
       you were --
                                                           2
                                                                             So this is what you're referring to
 3
                   So in 1.5 here, it references the
                                                           3
                                                                  as the evidence of assignment; is that right?
            Α.
        pools of student loans assigned to permitted
                                                                                  MS. SCRIVANI: Objection.
 4
                                                           4
 5
        assignees pursuant to Section 1 -- I think that
                                                           5
                                                                                  THE WITNESS: You can keep
 6
        says 1.1.4. So it makes a reference there.
                                                           6
                                                                  going. I mean, there are several different
 7
        You can keep going.
                                                           7
                                                                  areas within here.
 8
                                                           8
                                                                  BY MS. HENRY:
             Ο.
                   Okay.
 9
             Α.
                   1.7 references owner, means a
                                                           9
                                                                       0.
                                                                             I'm just trying to understand your
       permitted assignee that purchases student
10
                                                          10
                                                                  testimony.
11
        loans.
                                                          11
                                                                                  MR. ROTA: I think you asked
12
                   1.8 is permitted assignee.
                                                          12
                                                                  her about agreements with the original lenders.
13
                   1.10, lender means Bank One,
                                                          13
                                                                  And now you have shifted.
14
       National Association and such other lenders
                                                          14
                                                                                  MS. HENRY: Yes. Well,
15
       making loans guaranteed by carry and serviced
                                                          15
                                                                  because I'm confused as to what she's answering
       by servicer as the parties may designate as
                                                          16
                                                                  here. So --
16
                                                          17
17
        covered by this agreement and in written
                                                                                  THE WITNESS: Well, what I
18
        supplement to this agreement.
                                                          18
                                                                  answered was we do have agreements with the
19
                                                          19
                                                                  original lenders as well, but specific -- they
                   Securitization transaction means the
20
       purchase of a pool of student loans by an SPE
                                                          20
                                                                  could have other loans. Specific to these
21
        in connection with servicer, which servicer
                                                          21
                                                                  trusts, there is language in here that
22
        agrees to execute a servicer consent letter in
                                                          22
                                                                  references the securitization and the
23
        substantially the form of Schedule A,
                                                          23
                                                                  assignment from the original lender to the
24
        references the servicer consent letter which is
                                                          24
                                                                  purchasing entity.
25
        executed at the securitization which would have
                                                                  BY MS. HENRY:
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|                            | Page 102  |                            | Page 103  |
|----------------------------|---|----------------------------|---|
| 1                          | Q. Okay.  | 1                          | document?   |
| 2                          | A. If that answers your question, then  | 2                          | A. Yes. This document is showing all  |
| 3                          | we're good, but   | 3                          | of the loans that defaulted since Gosse's loan  |
| 4                          | Q. Yes, we're good. Thank you very  | 4                          | defaulted on 11/1/2010 forward in the 2007-3  |
| 5                          | much.   | 5                          | trust.  |
| 6                          | A. Okay.  | 6                          | Q. And why was the 11/1/2010 the  |
| 7                          | Q. Okay. I want to stop the share.  | 7                          | cutoff?   |
| 8                          | I'm going have you look at one of the other   | 8                          | MS. SCRIVANI: That was my   |
| 9                          | documents that you gave yesterday.  | 9                          | choice as counsel.  |
| 10                         | So this is the 17-300. And I'm  | 10                         | MS. HENRY: Okay.  |
| 11                         | putting that in the chat. That will be Exhibit  | 11                         | BY MS. HENRY:   |
| 12                         | 3.  | 12                         | Q. So can you tell me, what system did  |
| 13                         | (Deposition Exhibit No. 3 was   | 13                         | this data come from?  |
| 14                         | marked for identification.)   | 14                         | A. That was pulled from our COMPASS   |
| 15                         | BY MS. HENRY:   | 15                         | system. A query was done in our task group to   |
| 16                         | Q. All right. Tell me if you can all  | 16                         | pull that data from COMPASS.  |
| 17                         | see this.   | 17                         | Q. And this query has account numbers.  |
| 18                         | A. Yes.   | 18                         | Can you tell me, are those account numbers  |
| 19                         | Q. Okay. This is a document that I  | 19                         | internal to PHEAA?  |
| 20                         | received from production on behalf of the   | 20                         | A. Yes. They correspond to the  |
| 21                         | Subpoena. It says, PHEAA-Gosse-00017 through  | 21                         | borrower's account. When COMPASS so they  |
| 22                         | 300. Do you see that?  A. Yes.  |                            | have their SSN and an account number that we  |
| 23                         |   | 23                         | can use in place of an SSN.   |
| 24                         | Q. And if you need me to scroll through   | 24                         | Q. But this is not an SSN. This is a  |
| 25                         | this, I can. Can you tell me, what is this  | 25                         | separate account number; right?   |
|                            | Page 104  |                            | Page 105  |
| 1                          | A. That's an account number, correct.   | 1                          | system.   |
| 2                          | Q. Okay. And this has owner code;   | 2                          | But, again, I don't have a chart  |
| 3                          | right?  | 3                          | that outlines all of those. It could vary   |
| 4                          | A. Yes.   | 4                          | across the board.   |
| 5                          | Q. Do you see this column? Can you  | 5                          | Q. Okay. And then 122962, that's for  |
| 6                          | tell me, do you have some kind of chart that  | 6                          | all National Collegiate Student Loan trusts?  |
| 7                          | explains what these owner codes are?  | 7                          | A. Yes.   |
| 8                          | A. I do not have a chart that explains  | 8                          | Q. So you don't differentiate between   |
| 9                          | what the owner codes are. The owner code is   | 9                          | each of the trusts; is that right?  |
| 10                         | created for the owner, for the lender. 122962   | 10                         | MS. SCRIVANI: Objection.  |
| 11                         | is National Collegiate Trust owner code   | 11                         | THE WITNESS: Sorry, Stacey.   |
| 12                         | designated on our system. The various   | 12                         | MS. SCRIVANI: Go ahead.   |
| 13                         | suffixes, which are the letters that you see  | 13                         | THE WITNESS: They are   |
| 14                         | after 122962, excuse me, could mean things like   | 14                         | differentiated by the bond issue that I have  |
| 15                         | quarterly capping, or immediate repay.  | 15                         | listed beside the owner code. As you can see  |
| 16                         | So, for example, you might see an IM  | 16                         | there, the bond ID is listed as NCT 2007-3.   |
| 17                         | listed there. That could mean the loan is   | 17                         | That is specific to the securitization, 2007-3  |
| 1                          |   | 18                         | trust.  |
| 18                         | immediate repayment versus a QC or a QT could   |                            |   |
| 19                         | mean that it's quarterly capping.   | 19                         | BY MS. HENRY:   |
| 19<br>20                   | mean that it's quarterly capping.  Typically, a D, something that   | 19                         | Q. Okay. And you said that this bond  |
| 19<br>20<br>21             | mean that it's quarterly capping.  Typically, a D, something that starts with a D, like a DF or DP could mean   | 19<br>20<br>21             | Q. Okay. And you said that this bond you said all this information comes from                             |
| 19<br>20<br>21<br>22       | mean that it's quarterly capping.  Typically, a D, something that starts with a D, like a DF or DP could mean that it was a fully deferred loan. IO would                     | 19<br>20<br>21<br>22       | Q. Okay. And you said that this bond you said all this information comes from COMPASS; right?             |
| 19<br>20<br>21<br>22<br>23 | mean that it's quarterly capping.  Typically, a D, something that starts with a D, like a DF or DP could mean that it was a fully deferred loan. IO would mean interest only. | 19<br>20<br>21<br>22<br>23 | Q. Okay. And you said that this bond you said all this information comes from COMPASS; right? A. Correct. |
| 19<br>20<br>21<br>22       | mean that it's quarterly capping.  Typically, a D, something that starts with a D, like a DF or DP could mean that it was a fully deferred loan. IO would                     | 19<br>20<br>21<br>22       | Q. Okay. And you said that this bond you said all this information comes from COMPASS; right?             |

| 1              | Page 106 is going to be the next exhibit.   | 1              | Page 107 highlight here, it says, bond issue NCT 2007-3.                        |
|----------------|---|----------------|---|
| 2              | (Deposition Exhibit No. 4 was   | 2              | Do you see that?  |
|                | marked for identification.)   | 3              | -   |
| 3              | · ·   |                | A. Yes.  O. And where did that information come                                 |
| 4              | BY MS. HENRY:   | 4              | ~   |
| 5              | Q. All right. Can you see this up on  | 5              | from?   |
| 6              | the screen?   | 6              | MS. SCRIVANI: Objection.  |
| 7              | A. Yes.   | 7              | THE WITNESS: You mean how did   |
| 8              | Q. Let me see if I can blow it up a   | 8              | it get on the loan?   |
| 9              | little bit. And this is the Gosse, the  | 9              | BY MS. HENRY:   |
| 10             | PHEAA-Gosse Exhibits 3001 to 3005. Have you   | 10             | Q. How did it get in the system?  |
| 11             | reviewed this prior to today's deposition?  | 11             | A. When the loan sale process runs, the   |
| 12             | MS. SCRIVANI: Just to be  | 12             | assigned bond issue for this trust was NCT                                      |
| 13             | clear, it's 301 to 305.   | 13             | 2007-3. So that owner code is updated to  |
| 14             | MS. HENRY: I'm sorry, 301 to  | 14             | reflect NCT and the bond issue is assigned as                                   |
| 15             | 305. Thank you.   | 15             | NCT 2007-3 on the day of the sale.  |
| 16             | BY MS. HENRY:   | 16             | Q. And who provides that information to   |
| 17             | Q. Can you tell me, what system did   | 17             | PHEAA?  |
| 18             | this information come from?   | 18             | A. I'm sorry, I didn't hear your  |
| 19             | A. COMPASS.   | 19             | question.   |
| 20             | Q. This is COMPASS?   | 20             | Q. Who provided that information to   |
| 21             | A. Yes.   | 21             | PHEAA?  |
| 22             | Q. Okay. And this information is for  | 22             | MS. SCRIVANI: Objection.  |
| 23             | Gosse's loan; right?  | 23             | THE WITNESS: We received a,   |
| 24             | A. Correct.   | 24             | not a term sheet. I'm trying to think of the                                    |
| 25             | Q. And right here, I'm going to   | 25             | correct name, but essentially the details of                                    |
|                |   |                |   |
|                | Page 108  |                | Page 109  |
| 1              | what should be included in the sale for the   | 1              | his name, but I can't recall his name off the                                   |
| 2              | 2007-3 securitization from First Marblehead.  | 2              | top of my head.   |
| 3              | BY MS. HENRY:   | 3              | Q. It's one person?   |
| 4              | Q. So you mentioned several entities  | 4              | A. Yes.   |
| 5              | today. You mentioned First Marblehead   | 5              | Q. Okay. And did you review whatever  |
| 6              | Education Resource, First Marblehead Data,  | 6              | document it is that names that person for                                       |
| 7              | FMDR, maybe you can First Marblehead Data   | 7              | today's deposition?   |
| 8              | Resource also; is that right?   | 8              | A. I did.   |
| 9              | A. First Marblehead Data Services.  | 9              | Q. And where is that document located?  |
| 10             | Q. Data Services, okay. And First   | 10             | A. It's in our file, our client files.  |
| 11             | Marblehead Corporation. So which one is it;   | 11             | Q. Is there a reason that document  |
| 12             | where did you receive the information from?   | 12             | wasn't produced?  |
| 13             | MS. SCRIVANI: Objection.  | 13             | MS. SCRIVANI: It wasn't   |
| 14             | THE WITNESS: The information  | 14             | produced because it wasn't part of the request.                                 |
| 15             | was provided by First Marblehead, but I don't   | 15             | MS. HENRY: I'm asking her is  |
| 16             | know outside of that. FMER is the originator.   | 16             | there a reason it wasn't produced. That's all.                                  |
| 17             | FMDS was the excuse me, FMER was the  | 17             | THE WITNESS: I mean, it was   |
| 18             | originator. FMDS was the administrator on   | 18             | an internal document that was submitted for our                                 |
| 19             | behalf of the guarantor, and First Marblehead   | 19             | sale process that referenced that individual's                                  |
|                |   | 20             | name.   |
| 20             | was the corporation. FMC was the corporation.   |                |   |
| 20             | was the corporation. FMC was the corporation.  We received the data from an individual at | 21             | BY MS. HENRY:   |
|                | _   | 21             |   |
| 21<br>22       | We received the data from an individual at First Marblehead.                              | 21<br>22       | Q. Okay. And do you have records that   |
| 21<br>22<br>23 | We received the data from an individual at First Marblehead. BY MS. HENRY:                | 21<br>22<br>23 | Q. Okay. And do you have records that document that transmission of information |
| 21<br>22       | We received the data from an individual at First Marblehead.                              | 21<br>22       | Q. Okay. And do you have records that   |

| 1  | Page 110<br>Q from that individual?   | 1  | Page 111<br>Can you explain?  |
|--|---|--|---|
| 2  | MS. SCRIVANI: Same objection.   | 2  | MS. SCRIVANI: Objection.  |
| 3  | THE WITNESS: I have the   | 3  | MR. ROTA: Objection.  |
| 4  | request that was submitted that indicates the   | 4  | THE WITNESS: First Marblehead   |
| 5  | criteria for the sale based on what was   | 5  | provided criteria for the sale.   |
| 6  | provided from that individual. It details all   | 6  | BY MS. HENRY:   |
|  | _   | 7  |   |
| 7  | the requirements and indicates when the prelim  |  | Q. Okay.  |
| 8  | reports, prelim files would be ran. Excuse me,  | 8  | A. And then we had to provide an output   |
| 9  | prelims, they are run in advance of the sale  | 9  | file with the sale information.   |
| 10   | date. And then that output is provided to the   | 10   | Q. All right.   |
| 11   | clients through PageCenter.   | 11   | A. That output file was produced to   |
| 12   | BY MS. HENRY:   | 12   | you. The prelims that I referenced, those run   |
| 13   | Q. Anything else about that process?  | 13   | in advance of the sale to give the lender,  |
| 14   | MS. SCRIVANI: Objection.  | 14   | original lender and the purchasing owner  |
| 15   | THE WITNESS: No.  | 15   | advance notice of what the total amount is  |
| 16   | BY MS. HENRY:   | 16   | going to look like that's included in the sale,   |
| 17   | Q. Ms. Wilbert?   | 17   | as well as the loans included.  |
| 18   | A. I said no.   | 18   | They have to review it and provide  |
| 19   | Q. Okay. So let me get that again. So   | 19   | confirmation that we can proceed with the sale.   |
| 20   | there's a criteria for the sale based on what's   | 20   | Once they do that, we then proceed with the   |
| 21   | provided from an individual at First  | 21   | sale and that final file runs, which was  |
| 22   | Marblehead, and then the details and  | 22   | provided to you.  |
| 23   | requirements then show what files will be run   | 23   | Q. All right. Thank you. Anything   |
| 24   | for the sale and what is run in advance of the  | 24   | else?   |
| 25   | sale; is that correct, Ms. Wilbert?   | 25   | MS. SCRIVANI: Objection.  |
|  | P 110   |  |   |
|  |   |  |   |
| 1  | Page 112 THE WITNESS: I don't think   | 1  | Page 113 you said that that is inputted from information  |
| 1 2  | _   | 1 2  | you said that that is inputted from information   |
|  | THE WITNESS: I don't think  |  | <u> </u>  |
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|    | Page 114  |    | Page 115  |
|----|---|----|---|
| 1  | I'm going to take this down. I'm going take a   | 1  | A. I don't know the record history on           |
| 2  | five-minute break.                              | 2  | the COMPASS system.                             |
| 3  | Do you know, do we have breakout                | 3  | Q. Do you know who would know?                  |
| 4  | rooms? Is that something that we have here, or  | 4  | A. That's an IT question.                       |
| 5  | no?   | 5  | Q. So someone in IT would know?                 |
| 6  | (Discussion held off the                        | 6  | MS. SCRIVANI: Objection.                        |
| 7  | record.)  | 7  | MR. ROTA: Objection.                            |
| 8  | (Short recess taken.)                           | 8  | THE WITNESS: I don't know if                    |
| 9  | BY MS. HENRY:                                   | 9  | they would know. I don't know if there is a     |
| 10 | Q. So do you remember we talked about           | 10 | history. I would need to it's something         |
| 11 | access that people outside of PHEAA have to     | 11 | that would need to be inquired with IT.         |
| 12 | COMPASS and to other records at PHEAA?          | 12 | BY MS. HENRY:                                   |
| 13 | A. Yes.   | 13 | Q. Okay.  |
| 14 | Q. And we talked, specifically, about           | 14 | A. Or our business support group that           |
| 15 | Transworld System, Inc., having access to PHEAA | 15 | deals with the access request.                  |
| 16 | records; right?                                 | 16 | Q. All right. So my next question, you          |
| 17 | A. Yes. Correct.                                | 17 | probably don't know either, but I'm going to    |
| 18 | Q. And you provided some documents              | 18 | ask it anyway, do you know if there would be    |
| 19 | where there is the agreements, where TSI and    | 19 | such records on a per loan basis or a per       |
| 20 | formerly NCO could have real-time access to     | 20 | borrower basis?                                 |
| 21 | PHEAA's records; right?                         | 21 | MS. SCRIVANI: Objection.                        |
| 22 | A. Correct.                                     | 22 | BY MS. HENRY:                                   |
| 23 | Q. Does PHEAA keep records of every             | 23 | Q. Or would it be per access?                   |
| 24 | time someone from Transworld, previously NCO,   | 24 | A. I don't know that.                           |
| 25 | accesses PHEAA's records for the trust?         | 25 | Q. Do you know, did you provide all of          |
| 23 | accesses riman s records for the trust:         | 23 | Q. Do you know, and you provide arr or          |
|    | Page 116  |    | Page 117  |
| 1  | the documents for Ms. Gosse's loan that PHEAA   | 1  | A. No.  |
| 2  | has in its possession?                          | 2  | Q. And what information have you not            |
| 3  | MS. SCRIVANI: Objection.                        | 3  | provided?                                       |
| 4  | I'll answer that because I had this discussion  | 4  | MS. SCRIVANI: Objection.                        |
| 5  | with your co-counsel.                           | 5  | THE WITNESS: There are                          |
| 6  | MS. HENRY: I'm asking                           | 6  | notations on the history of the loan since      |
| 7  | Ms. Wilbert.                                    | 7  | 2007, when the loan was disbursed, through      |
| 8  | MS. SCRIVANI: Well, I'm going                   | 8  | current date. There could be any which was      |
| 9  | to answer it. You can ask your question, but    | 9  | not specific to this request, so I did not      |
| 10 | I'm going to tell you that my discussion with   | 10 | review it, but if the customer had provided any |
| 11 | Mr. Cocco was very clearly that we could not    | 11 | deferment or forbearance forms over the life of |
| 12 | provide every record that ever existed at PHEAA | 12 | the loan or any correspondence outside of the   |
| 13 | related to Ms. Gosse's loan because it's        | 13 | ownership issue at hand, then that would have   |
| 14 | electronic and we were certainly not providing, | 14 | been stored in FileNet as well.                 |
| 15 | on this call and otherwise, access to the       | 15 | BY MS. HENRY:                                   |
| 16 | COMPASS system.                                 | 16 | Q. Can you tell me a little bit about           |
| 17 | So what I told him we would provide             | 17 | these notations at the time of disbursement?    |
| 18 | and we did provide were screenshots of the      | 18 | Where are those kept?                           |
| 19 | documents that were responsive and relevant to  | 19 | A. COMPASS. So one of the screenshots           |
| 20 | the narrow issue.                               | 20 | that I provided to you showed a screen print of |
| 21 | BY MS. HENRY:                                   | 21 | our activity. If I recall correctly, it's       |
| 22 | Q. Okay. Ms. Wilbert, I am now going            | 22 | called our activity detail screen. I could be   |
| 23 | to ask you the question. Have you provided all  | 23 | saying that incorrectly.                        |
|    |   |    |   |
| 24 | the documents to Ms. Gosse's loan that PHEAA    | 24 | But they provide a screenshot of ITD            |
| 25 | has?  | 25 | 2A, which is our history record, that stores    |

|       | Page 118   |            | Page 119  |
|-------|--|------------|---|
| 1     | any notations that are made by representatives   | 1          | sale occurs.  |
| 2     | for processing or correspondence that's mailed   | 2          | Q. And that's right here?   |
| 3     | automatically through the system, or borrower  | 3          | A. Yes.   |
| 4     | calls that may have been received, so on and so  | 4          | Q. Okay. And is that the notations                                      |
| 5     | forth.   | 5          | that you're referring to that happen at                                 |
| 6     | Q. I'm going to put that on the screen   | 6          | disbursement?   |
| 7     | quickly so that you can explain to me better   | 7          | A. I'm saying there could be notations                                  |
| 8     | what you are saying.   | 8          | on the loan from disbursement date of 8/8/2007                          |
| 9     | A. Sure.   | 9          | forward. So anything could happen every day on                          |
| 10    | Q. Okay. So here is the COMPASS  | 10         | the loan. Any time there is a phone call                                |
| 11    | documents that we were provided. Where should  | 11         | received or documentation processed, a letter                           |
| 12    | I be looking?  | 12         | sent, it would be reflected in this activity                            |
| 13    | A. I think if you go to the last page.   | 13         | detail screen.  |
| 14    | Q. Okay.   | 14         | And so because the loan was   |
| 15    | A. So right there, that shows the  | 15         | disbursed back in 2007, there would be a long                           |
| 16    | activity detail screen. ITD 2A is where we   | 16         | history of notations.   |
| 17    | store our notations. And this was  | 17         | Q. There would be an entire year of                                     |
| 18    | Q. Is that ITD 2A right here where I've  | 18         | notations; right?   |
| 19    | highlighted?   | 19         | A. No. That's just the year from the                                    |
| 20    | A. Correct.  | 20         | date of disbursement through the loan sale.                             |
| 21    | Q. I'm sorry, I didn't mean to cut you   | 21         | I'm talking about there would be notations from                         |
| 22    | off. You were continuing?  | 22         | disbursement date through current date.                                 |
| 23    | A. I was just saying this would  | 23         | Q. Okay. And those were not provided?                                   |
| 24    | specifically show the date in which we sent the  | 24         | A. Correct.   |
| 25    | transfer letter to the borrower when the loan  | 25         | Q. All right. Also on the Exhibit A to                                  |
|       |  |            |   |
| 1     | Page 120   | 1          | Page 121  |
| 1 2   | the Subpoena, there was a request regarding the records that were provided to the Boston | 1 2        | Q. Did you review whether PHEAA provided some loans for that BPA audit? |
| 3     | Portfolio Advisors regarding their emergency   | 3          | MS. SCRIVANI: Objection,  |
| 4     | audit in 2015. Do you recall this?   | 4          | beyond the scope of the topics on Exhibit A.                            |
| 5     | A. I recall the request, yes.  | 5          | You can answer.   |
| 6     | Q. Okay. And did you review any  | 6          | THE WITNESS: I spoke to my  |
| 7     | documents in preparation for that topic?   | 7          | counsel regarding that, and I do know that                              |
|       | MS. SCRIVANI: Objection. I'm   | 8          | there was a selection of loans that were                                |
| 8     | sorry. I'm confused. Are you asking about  | 9          |   |
|       | documents that were supposed to be produced  | 10         | sampled for that audit.  BY MS. HENRY:                                  |
| 10    |  | 11         |   |
|       | pursuant to the documents to produce, or are you asking about topics?                    |            | Q. And do you know anything about the sample of loans?                  |
| 12    |  | 12         | -   |
| 13    | MS. HENRY: I'm asking about  | 13         | MS. SCRIVANI: Objection, beyond the scope.                              |
| 14    | topics.<br>BY MS. HENRY:   | 14<br>  15 | THE WITNESS: I don't know   |
| 16    |  | 16         | about the sample of loans, specifically, but I                          |
| 17    | Q. Topic K, specifically, about the records that we requested provided to BPA, did       | 17         | know that there was a sample of around 379                              |
|       |  |            | -   |
| 18    | you review those records before today's deposition?                                      | 18<br>19   | loans that were requested in the sample.  BY MS. HENRY:                 |
| 20    | MS. SCRIVANI: Objection,   | 20         |   |
|       | MS. SCRIVANI: Objection, assumes facts not in evidence.                                  |            |   |
| 21 22 | THE WITNESS: Yes. I,   | 21         | were that communicated with BPA regarding those loans?                  |
| 23    |  |            |   |
|       | personally, did not review any specific documents.                                       | 23         | MS. SCRIVANI: Objection, beyond the scope of the question which is      |
| 24    | BY MS. HENRY:  | 24         | limited to communication concerning the                                 |
| 23    | DI PAD. HERRI.   | 23         | TIMECO COMMUNICACION CONCENNING CHE                                     |

| 1  | Page 122 ownership issues relating to the 2007-3 loans.   | 1  | Page 123 A. I'm going to guess here because I  |
|--|---|--|--|
| 2  | You can answer if you know.   | 2  | don't know exactly the spelling. I believe   |
| 3  | THE WITNESS: I'm sorry, did   | 3  | it's L-I-N-I-N-G-E-R.  |
| 4  | you say employees at PHEAA that communicated  | 4  | MS. SCRIVANI: And her maiden   |
| 5  | with  | 5  | name was Roganish with an R.   |
| 6  | BY MS. HENRY:   | 6  | THE WITNESS: I'm sorry. I  |
| 7  | Q. I'll ask it again. Advisors  | 7  | thought that's what she said.  |
| 8  | concerning those 379 loans?   | 8  | BY MS. HENRY:  |
| 9  | A. I know individuals that were   | 9  | Q. Thank you.  |
|  |   | 10   | ~ 1  |
| 10   | involved with the review at that time, yes.   |  | Does she still work at PHEAA?  A. She does.  |
| 11   | Q. And can you tell me the names of   | 11   |  |
| 12   | those individuals?  | 12   | Q. And do you know what location she   |
| 13   | A. Vicky, her name was Roganish at the  | 13   | works at?  |
| 14   | time, was in charge of the external audits  | 14   | A. It's a remote as well as in office,   |
| 15   | division. Specifically individuals within that  | 15   | same as mine.  |
| 16   | division that may have spoken to BPA, I don't   | 16   | Q. At the same at the Pennsylvania   |
| 17   | know that with certainty.   | 17   | headquarters?  |
| 18   | Q. Vicky Beganish (sic), is that  | 18   | A. Yes.  |
| 19   | B-E-G-A-N-I-S-H (sic)?  | 19   | Q. And you said what division is she   |
| 20   | A. Yes.   | 20   | in?  |
| 21   | Q. And you said that's no longer her  | 21   | A. External audits.  |
| 22   | name?   | 22   | Q. Do you know her position?   |
| 23   | A. Her name has since changed to  | 23   | A. She is a vice president.  |
| 24   | Lininger.   | 24   | Q. Anyone else that communicated with  |
| 25   | Q. And how do I spell that?   | 25   | BPA for the BPA audits?  |
|  |   |  |  |
|  |   |  |  |
| 1  | Page 124  | 1  | Page 125   |
| 1  | MS. SCRIVANI: Objection,  | 1  | Vicky or Ken or Sara concerning ownership  |
| 2  | MS. SCRIVANI: Objection, beyond the scope of the topics. You can answer   | 2  | Vicky or Ken or Sara concerning ownership issues discussed with the Boston Portfolio   |
| 2 3  | MS. SCRIVANI: Objection, beyond the scope of the topics. You can answer if you know.  | 2  | Vicky or Ken or Sara concerning ownership issues discussed with the Boston Portfolio Advisors for that audit?  |
| 2 3 4  | MS. SCRIVANI: Objection, beyond the scope of the topics. You can answer if you know.  THE WITNESS: There were two   | 2 3 4  | Vicky or Ken or Sara concerning ownership issues discussed with the Boston Portfolio Advisors for that audit?  MS. SCRIVANI: Objection. You  |
| 2<br>3<br>4<br>5   | MS. SCRIVANI: Objection, beyond the scope of the topics. You can answer if you know.  THE WITNESS: There were two individuals in client relations at the time   | 2<br>3<br>4<br>5   | Vicky or Ken or Sara concerning ownership issues discussed with the Boston Portfolio Advisors for that audit?  MS. SCRIVANI: Objection. You can answer.  |
| 2<br>3<br>4<br>5<br>6  | MS. SCRIVANI: Objection, beyond the scope of the topics. You can answer if you know.  THE WITNESS: There were two individuals in client relations at the time that are no longer in client relations, Ken   | 2<br>3<br>4<br>5   | Vicky or Ken or Sara concerning ownership issues discussed with the Boston Portfolio Advisors for that audit?  MS. SCRIVANI: Objection. You can answer.  MR. ROTA: Objection.  |
| 2<br>3<br>4<br>5<br>6<br>7   | MS. SCRIVANI: Objection, beyond the scope of the topics. You can answer if you know.  THE WITNESS: There were two individuals in client relations at the time that are no longer in client relations, Ken Shutter and Sara Parrish. They were involved  | 2<br>3<br>4<br>5<br>6<br>7   | Vicky or Ken or Sara concerning ownership issues discussed with the Boston Portfolio Advisors for that audit?  MS. SCRIVANI: Objection. You can answer.  MR. ROTA: Objection.  THE WITNESS: Sorry, Stacey.   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8  | MS. SCRIVANI: Objection, beyond the scope of the topics. You can answer if you know.  THE WITNESS: There were two individuals in client relations at the time that are no longer in client relations, Ken Shutter and Sara Parrish. They were involved with the request. I don't know if they had   | 2<br>3<br>4<br>5<br>6<br>7<br>8  | Vicky or Ken or Sara concerning ownership issues discussed with the Boston Portfolio Advisors for that audit?  MS. SCRIVANI: Objection. You can answer.  MR. ROTA: Objection.  THE WITNESS: Sorry, Stacey.  Did you say I can answer?  |
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| 1   | Page 126 Forward program. I don't know the I don't   | 1   | Page 127 THE WITNESS: Yes.  |
|---|--|---|---|
| 2   | know his exact title. He is the vice   | 2   | BY MS. HENRY:   |
| 3   | president.   | 3   | Q. Do you know what her role is there?  |
| 4   | Q. Without getting into details, can   | 4   | MS. SCRIVANI: Objection.  |
| 5   | you tell me quickly what PA Forward means?   | 5   | THE WITNESS: She is the   |
| 6   | MS. SCRIVANI: Objection,   | 6   | president.  |
| 7   | beyond the scope.  | 7   | BY MS. HENRY:   |
| 8   | THE WITNESS: It's one of   | 8   | Q. She is the president of CampusDoor?  |
| 9   | PHEAA's private loan programs.   | 9   | A. I believe that's her new title, yes.   |
| 10  | BY MS. HENRY:  | 10  | Unless it changed.  |
| 11  | Q. Okay. That's all I need to know.  | 11  | Q. Okay. So for the 379 loans and the   |
| 12  | And Sara Parrish, do you know when she left  | 12  | sample of those loans, what is your   |
| 13  | PHEAA?   | 13  | understanding of what information was relayed   |
| 14  | A. I do not remember the exact   | 14  | to the Boston Portfolio Advisors regarding  |
| 15  | timeframe. I believe 2018.   | 15  | ownership of the NCSLT trust loans?   |
| 16  | Q. Do you have any idea where she went?  | 16  | MR. ROTA: Objection.  |
| 17  | MS. SCRIVANI: Objection.   | 17  | MS. SCRIVANI: Objection. You  |
| 18  | THE WITNESS: I do.   | 18  | can answer.   |
| 19  | BY MS. HENRY:  | 19  | THE WITNESS: I'm not aware of   |
| 20  | Q. Where did she go?   | 20  | anything specifically discussed regarding   |
| 21  | A. CampusDoor.   | 21  | ownership.  |
| 22  | Q. Campus store?   | 22  | BY MS. HENRY:   |
| 23  | A. CampusDoor, D-O-O-R.  | 23  | Q. Okay. Are you aware of anything  |
| 24  | Q. And is that in Pennsylvania?  | 24  | discussed regarding assignments?  |
| 25  | MS. SCRIVANI: Objection.   | 25  | MS. SCRIVANI: Objection.  |
|   |  |   |   |
|   | Page 128   |   | Page 129  |
| 1   | THE WITNESS: Not specific to   | 1   | MR. ROTA: Objection.  |
| 2   | assignments, no.   | 2   | MS. SCRIVANI: I'm going to  |
| 3 4   | BY MS. HENRY:  Q. Okay. And you did not review the   | 3 4   | instruct you not to answer that question. It's  |
| 5   | Q. Okay. And you did not review the 379 loans that were selected for that audit;   | 5   | beyond the scope and I don't understand it.  BY MS. HENRY:  |
| 6   | right?   | 6   | Q. I'm just asking, of those 379 loans  |
| 7   | A. No. That's correct.   | 7   | that were provided as a sample, if there is an  |
|   | A. NO. Illac & Collect.  | '   |   |
| 1 0   | O Do you know how thou wore aboar  | 0   |   |
| 8   | Q. Do you know how they were chosen,   | 8   | outside person that had to review the loans,  |
| 9   | the 379 loans?   | 9   | outside person that had to review the loans, would they have difficulty matching up the   |
| 9   | the 379 loans?  MS. SCRIVANI: Objection.   | 9   | outside person that had to review the loans, would they have difficulty matching up the borrower information with the data files?   |
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|  |  | 1  |  |
|--|--|--|--|
| 1  | Page 130 way that they are segregated or do you know   | 1  | Page 131<br>the individual borrower's account. I just  |
| 2  | where they are, and are they still accessible?   | 2  | don't know if we have the packets available  |
| 3  | MS. SCRIVANI: Objection.   | 3  | that were sent to BPA. I just want to make   |
|  | MR. ROTA: Objection.   | 4  | that clear.  |
| 4  |  | -  |  |
| 5  | THE WITNESS: As far as I'm   | 5  | Q. Thank you for that clarification.   |
| 6  | aware, they have access to the 379 loans that  | 6  | So during the deposition, you  |
| 7  | were identified for the audit.   | 7  | referred to several documents that you reviewed  |
| 8  | BY MS. HENRY:  | 8  | in preparation for the deposition that you did   |
| 9  | Q. In other words, if we if you had  | 9  | not produce. I'm going to ask that you produce   |
| 10   | to produce the documentation that was provided   | 10   | those documents, and I'm going also ask that   |
| 11   | to the BPA audit, could you produce it?  | 11   | this deposition be continued because we have   |
| 12   | MS. SCRIVANI: Objection,   | 12   | we have a right to ask you about those   |
| 13   | outside the scope. You can answer if you know.   | 13   | documents and review those documents reviewed  |
| 14   | THE WITNESS: I don't know if   | 14   | in preparation for this deposition.  |
| 15   | we have the documentation that was provided to   | 15   | So I'm going to continue this  |
| 16   | BPA.   | 16   | deposition on the record.  |
| 17   | BY MS. HENRY:  | 17   | MS. SCRIVANI: You can make   |
| 18   | Q. Okay. So during this deposition,  | 18   | your request for any documents to me, but we   |
| 19   | you referred to several documents that you   | 19   | object to and will not make Ms. Wilbert  |
| 20   | reviewed in preparation for this deposition.   | 20   | available again for another deposition. So if  |
| 21   | A. I'm sorry, can I go back to your  | 21   | you have anything else to ask her, you should  |
| 22   | last question for a minute?  | 22   | finish it today.   |
| 23   | Q. Yes.  | 23   | MS. HENRY: I'm putting my  |
| 24   | A. As far as the information that was  | 24   | request on the record. And that's where we are   |
| 25   | provided to BPA, we do still have it imaged in   | 25   | at.  |
|  |  |  |  |
|  |  |  |  |
|  | Page 132   |  | Page 133   |
| 1  | Page 132<br>Anyone else have anything else?  | 1  | Page 133<br>Q. And with respect to the documents in  |
| 1 2  |  | 1 2  | 5  |
|  | Anyone else have anything else?  |  | Q. And with respect to the documents in  |
| 2  | Anyone else have anything else? Otherwise, subject to continuance, we're done  | 2  | Q. And with respect to the documents in the 2007-3, is there, to the best of your  |
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| 1  | Page 134 policy for AES. I got a question, a couple of   | 1  | Page 135  <br>Hello. I only have a couple of questions about   |
|--|--|--|--|
| 2  | questions, actually, relating to that.   | 2  | the BPA audit that you were just discussing.   |
| 3  | Is it possible that real-time  | 3  | Concerning the 379 loans, did PHEAA  |
| 4  | discussions and calls occurred with TSI  | 4  | send hard copy documents, hard copy loan file  |
| 5  | representatives about particular matters in  | 5  | documents to BPA?  |
| 6  |  | 6  |  |
|  | CSLP lawsuits otherwise, where AES, some   | 7  |  |
| 7  | representative at AES, explained how documents   |  | prior to them coming on-site, we did send them   |
| 8  | and information was maintained by AES?   | 8  | the credit agreement, disclosure statement   |
| 9  | A. It's possible. I mean, I have had,  | 9  | yes, sorry, disclosure statement and   |
| 10   | myself, have had many calls with Bradley Luke  | 10   | application, if that did exist. And that was   |
| 11   | over the years relating to lawsuits. I can't   | 11   | provided before they came on-site.   |
| 12   | recall anything specifically, but it's quite   | 12   | Q. Okay. Was any other was BPA   |
| 13   | possible that that discussion may have occurred  | 13   | provided access to any systems?  |
| 14   | with myself or someone on the letter team.   | 14   | A. They were provided read-only access   |
| 15   | Q. And if Bradley Luke or someone else   | 15   | to our system while they were on-site.   |
| 16   | over at TSI were to testify that such  | 16   | Q. Okay. Which system?   |
| 17   | conversations did, in fact, occur, would you   | 17   | A. COMPASS. I'm sorry.   |
| 18   | have any reason to disagree with that  | 18   | Q. Okay. Was BPA provided with any   |
| 19   | representation?  | 19   | kind of access to any other system?  |
| 20   | A. No.   | 20   | A. I believe they got they were  |
| 21   | MR. SHARTLE: I have nothing  | 21   | granted system access to COMPASS.  |
| 22   | further.   | 22   | Q. Okay. Do you know what records,   |
| 23   | EXAMINATION  | 23   | within COMPASS, BPA analyzed concerning the 379  |
| 24   | BY MR. ROTA:   | 24   | loans?   |
| 25   | Q. This is Al Rota from U.S. Bank.   | 25   | A. Specifically, no. I do not know   |
|  |  |  |  |
| 1  |  |  |  |
|  | Page 136   | _  | Page 137   |
| 1  | what they analyzed.  | 1  | that that letter was sent to the primary   |
| 2  | what they analyzed. Q. Ms. Henry put up screenshots of the   | 2  | that that letter was sent to the primary borrower.   |
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|  |   | 1  |  |
|--|---|--|--|
| 1  | Page 138<br>MS. SCRIVANI: Objection and   | 1  | Page 139 loans that were transmitted to the Boston   |
| 2  | instruct you not to answer, attorney-client   | 2  | Portfolio Advisors. But you didn't actually  |
| 3  | privilege.  | 3  | talk to anybody that did that transmission at  |
| 4  | BY MS. HENRY:   | 4  | PHEAA; right?  |
| 5  | Q. And do you have a template from that   | 5  | MS. SCRIVANI: Objection.   |
| 6  | transfer letter, ATSFR transfer letter?   | 6  | THE WITNESS: That's correct.   |
| 7  | A. Yes.   | 7  | BY MS. HENRY:  |
| 1  |   |  |  |
| 8  | Q that you were just referencing?   | 8  | Q. So how do you know any information about the 379 loans?   |
| 9  | A. Yes.   | 9  |  |
| 10   | Q. And can you provide that template?   | 10   | MS. SCRIVANI: Objection,   |
| 11   | MS. SCRIVANI: Objection. You  | 11   | asked and answered.  |
| 12   | can make your request to counsel and we'll  | 12   | THE WITNESS: My attorney   |
| 13   | consider it.  | 13   | spoke with Vicky in external audits, and I   |
| 14   | BY MS. HENRY:   | 14   | spoke with my attorney.  |
| 15   | Q. But you don't have the actual  | 15   | BY MS. HENRY:  |
| 16   | transfer letter that is referenced in the 305   | 16   | Q. Okay. So when you testified about   |
| 17   | Bates numbered document; right?   | 17   | the 379 loans that were sent by hard copy, that  |
| 18   | MS. SCRIVANI: Objection,  | 18   | is information that you got from your attorney;  |
| 19   | asked and answered.   | 19   | is that right?   |
| 20   | THE WITNESS: That's correct.  | 20   | A. That's correct.   |
| 21   | BY MS. HENRY:   | 21   | Q. And when you, for the 379 loans,  |
| 22   | Q. Ms. Wilbert?   | 22   | when you said that they only had access to   |
| 23   | A. I said that's correct.   | 23   | COMPASS, is that information that came from  |
| 24   | Q. Okay. And you answered a number of   | 24   | your attorney?   |
| 25   | questions that were asked about the 375 379   | 25   | A. I believe that is that was the  |
|  |   |  |  |
|  | Dago 140  |  | Dags 141   |
| 1  | Page 140 case, yes.   | 1  | Page 141 enough.   |
| 1 2  | _   | 1 2  |  |
|  | case, yes.  |  | enough.  |
| 2  | case, yes. Q. Do you have any other information   | 2  | enough. BY MS. HENRY:  |
| 2 3  | case, yes.  Q. Do you have any other information besides what was given to your attorney to know  | 2 3  | enough.  BY MS. HENRY:  Q. You've also never worked for First  |
| 2 3 4  | case, yes.  Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?   | 2<br>3<br>4  | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | case, yes.  Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?  A. No, I do not.  Q. And when you stated that they were provided read-only access to your system while they were on-site, was that, again, information that was provided to you by your attorney?  A. Yes, that's correct.   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9   | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  A. That's correct.  Q. And you have never worked for First  Marblehead Education Resource; correct?  A. Correct.  Q. And have you ever worked for The  Educational Resource Institute or TERI?  A. No.  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14   | Case, yes.  Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?  A. No, I do not.  Q. And when you stated that they were provided read-only access to your system while they were on-site, was that, again, information that was provided to you by your attorney?  A. Yes, that's correct.  Q. And does your attorney work for PHEAA?  A. It's our outside counsel.  Q. Okay.  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13   | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  A. That's correct.  Q. And you have never worked for First  Marblehead Education Resource; correct?  A. Correct.  Q. And have you ever worked for The  Educational Resource Institute or TERI?  A. No.  Q. Have you ever worked for JPMorgan  Chase?  A. No.  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16   | Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?  A. No, I do not. Q. And when you stated that they were provided read-only access to your system while they were on-site, was that, again, information that was provided to you by your attorney? A. Yes, that's correct. Q. And does your attorney work for PHEAA?  A. It's our outside counsel. Q. Okay. A. Stacey. Q. And so when you said that you knew   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15   | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  A. That's correct.  Q. And you have never worked for First  Marblehead Education Resource; correct?  A. Correct.  Q. And have you ever worked for The  Educational Resource Institute or TERI?  A. No.  Q. Have you ever worked for JPMorgan  Chase?  A. No.  Q. Have you ever worked for Bank of  America?  A. No.   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17                                     | Case, yes.  Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?  A. No, I do not.  Q. And when you stated that they were provided read-only access to your system while they were on-site, was that, again, information that was provided to you by your attorney?  A. Yes, that's correct.  Q. And does your attorney work for PHEAA?  A. It's our outside counsel.  Q. Okay.  A. Stacey.  Q. And so when you said that you knew what records that they were analyzed for the BPA, that, again, was information you only knew  | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17                                     | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  A. That's correct.  Q. And you have never worked for First  Marblehead Education Resource; correct?  A. Correct.  Q. And have you ever worked for The  Educational Resource Institute or TERI?  A. No.  Q. Have you ever worked for JPMorgan  Chase?  A. No.  Q. Have you ever worked for Bank of  America?  A. No.   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                               | Case, yes.  Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?  A. No, I do not.  Q. And when you stated that they were provided read-only access to your system while they were on-site, was that, again, information that was provided to you by your attorney?  A. Yes, that's correct.  Q. And does your attorney work for PHEAA?  A. It's our outside counsel.  Q. Okay.  A. Stacey.  Q. And so when you said that you knew what records that they were analyzed for the BPA, that, again, was information you only knew through your outside counsel; correct?   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17                                     | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  A. That's correct.  Q. And you have never worked for First  Marblehead Education Resource; correct?  A. Correct.  Q. And have you ever worked for The  Educational Resource Institute or TERI?  A. No.  Q. Have you ever worked for JPMorgan  Chase?  A. No.  Q. Have you ever worked for Bank of  America?  A. No.  Q. And did you have any training from  |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                               | Case, yes.  Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?  A. No, I do not.  Q. And when you stated that they were provided read-only access to your system while they were on-site, was that, again, information that was provided to you by your attorney?  A. Yes, that's correct.  Q. And does your attorney work for PHEAA?  A. It's our outside counsel.  Q. Okay.  A. Stacey.  Q. And so when you said that you knew what records that they were analyzed for the BPA, that, again, was information you only knew through your outside counsel; correct?  MS. SCRIVANI: Objection,   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18                               | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  A. That's correct.  Q. And you have never worked for First  Marblehead Education Resource; correct?  A. Correct.  Q. And have you ever worked for The  Educational Resource Institute or TERI?  A. No.  Q. Have you ever worked for JPMorgan  Chase?  A. No.  Q. Have you ever worked for Bank of  America?  A. No.  Q. And did you have any training from  JPMorgan Chase as to how they maintain their records?   |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20                   | Case, yes.  Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?  A. No, I do not.  Q. And when you stated that they were provided read-only access to your system while they were on-site, was that, again, information that was provided to you by your attorney?  A. Yes, that's correct.  Q. And does your attorney work for PHEAA?  A. It's our outside counsel.  Q. Okay.  A. Stacey.  Q. And so when you said that you knew what records that they were analyzed for the BPA, that, again, was information you only knew through your outside counsel; correct?  MS. SCRIVANI: Objection, mischaracterizes testimony.   | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21             | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  A. That's correct.  Q. And you have never worked for First  Marblehead Education Resource; correct?  A. Correct.  Q. And have you ever worked for The  Educational Resource Institute or TERI?  A. No.  Q. Have you ever worked for JPMorgan  Chase?  A. No.  Q. Have you ever worked for Bank of  America?  A. No.  Q. And did you have any training from  JPMorgan Chase as to how they maintain their  records?  MS. SCRIVANI: Objection,  |
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| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | Case, yes.  Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?  A. No, I do not.  Q. And when you stated that they were provided read-only access to your system while they were on-site, was that, again, information that was provided to you by your attorney?  A. Yes, that's correct.  Q. And does your attorney work for PHEAA?  A. It's our outside counsel.  Q. Okay.  A. Stacey.  Q. And so when you said that you knew what records that they were analyzed for the BPA, that, again, was information you only knew through your outside counsel; correct?  MS. SCRIVANI: Objection, mischaracterizes testimony.  MR. ROTA: Objection.  MS. SCRIVANI: She said she | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  A. That's correct.  Q. And you have never worked for First  Marblehead Education Resource; correct?  A. Correct.  Q. And have you ever worked for The  Educational Resource Institute or TERI?  A. No.  Q. Have you ever worked for JPMorgan  Chase?  A. No.  Q. Have you ever worked for Bank of  America?  A. No.  Q. And did you have any training from  JPMorgan Chase as to how they maintain their records?  MS. SCRIVANI: Objection,  beyond the scope of the deposition and not related to 30(b)(6) at all. |
| 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22       | Case, yes.  Q. Do you have any other information besides what was given to your attorney to know that information, Ms. Wilbert?  A. No, I do not.  Q. And when you stated that they were provided read-only access to your system while they were on-site, was that, again, information that was provided to you by your attorney?  A. Yes, that's correct.  Q. And does your attorney work for PHEAA?  A. It's our outside counsel.  Q. Okay.  A. Stacey.  Q. And so when you said that you knew what records that they were analyzed for the BPA, that, again, was information you only knew through your outside counsel; correct?  MS. SCRIVANI: Objection, mischaracterizes testimony.  MR. ROTA: Objection.                             | 2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23 | enough.  BY MS. HENRY:  Q. You've also never worked for First  Marblehead Corporation; correct?  A. That's correct.  Q. And you have never worked for First  Marblehead Education Resource; correct?  A. Correct.  Q. And have you ever worked for The  Educational Resource Institute or TERI?  A. No.  Q. Have you ever worked for JPMorgan  Chase?  A. No.  Q. Have you ever worked for Bank of  America?  A. No.  Q. And did you have any training from  JPMorgan Chase as to how they maintain their  records?  MS. SCRIVANI: Objection,  beyond the scope of the deposition and not                            |

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| 1                                      | Page 142  | 1                                      | Page 14:  |
|--|---|--|---|
| 1 2                                    | BY MS. HENRY:                                   | 1 2                                    | THE WITNESS: I'm sorry, I                       |
|  | Q. Can you please answer the question,          |  | cannot hear you.                                |
| 3                                      | Ms. Wilbert?                                    | 3                                      | BY MS. HENRY:                                   |
| 4                                      | MS. SCRIVANI: I'm instructing                   | 4                                      | Q. Do you know if any changes were made         |
| 5                                      | you not to answer the question.                 | 5                                      | to collateral loan documents for the 2007-3     |
| 6                                      | MS. HENRY: You're instructing                   | 6                                      | trust before they were delivered to PHEAA?      |
| 7                                      | her not to answer?                              | 7                                      | MS. SCRIVANI: Objection.                        |
| 8                                      | MS. SCRIVANI: Because you're                    | 8                                      | MR. ROTA: Objection.                            |
| 9                                      | asking her in her individual capacity which she | 9                                      | THE WITNESS: No.                                |
| 10                                     | said  | 10                                     | BY MS. HENRY:                                   |
| 11                                     | MS. HENRY: I am asking her                      | 11                                     | Q. Do you know if any changes were made         |
| 12                                     | BY MS. HENRY:                                   | 12                                     | to the origination data before it was delivered |
| 13                                     | Q. In your capacity as a corporate              | 13                                     | to PHEAA?                                       |
| 14                                     | representative of PHEAA, has PHEAA had any      | 14                                     | MS. SCRIVANI: Objection.                        |
| 15                                     | training by JPMorgan Chase as to how they have  | 15                                     | THE WITNESS: No.                                |
| 16                                     | kept documents and maintained documents for the | 16                                     | BY MS. HENRY:                                   |
| 17                                     | National Collegiate Student Loan Trust 2007-3?  | 17                                     | Q. Do you know if any changes were made         |
| 18                                     | MS. SCRIVANI: Objection,                        | 18                                     | to any other database information before it was |
| 19                                     | beyond the scope. You can answer if you know.   | 19                                     | delivered to PHEAA?                             |
| 20                                     | THE WITNESS: No.                                | 20                                     | MS. SCRIVANI: Objection.                        |
| 21                                     | BY MS. HENRY:                                   | 21                                     | BY MS. HENRY:                                   |
| 22                                     | Q. Thank you. Do you know if any                | 22                                     | O. Of the 2007-3 loans?                         |
| 23                                     | changes were made to documents before they were | 23                                     | A. No.  |
| 24                                     | delivered to you?                               | 24                                     | MS. SCRIVANI: Same objection.                   |
| 25                                     | MS. SCRIVANI: Objection.                        | 25                                     | MS. HENRY: Thank you. And as                    |
|  |   |  |   |
|  | Page 144  | 1                                      | Page 14:  |
| 1                                      | I stated on the record before, we are asking    | 2                                      | CERTIFICATE                                     |
| 2                                      | this deposition be continued.                   | 3                                      | I, JENNIFER WILBERT, do hereby                  |
| 3                                      | MS. SCRIVANI: We set the date                   | 4                                      | certify that I have read the foregoing          |
| 4                                      | and time aside for this deposition. The         | 5                                      | transcript and it is a true and correct copy of |
| 5                                      | witness is here, was prepared for, and did      | 6                                      | my deposition, except for the changes, if any,  |
| 6                                      | testify. And so to the extent the deposition    | 7                                      | made by me on the attached Deposition           |
| 7                                      | concludes today, PHEAA has satisfied its        | 8                                      | Correction Sheet.                               |
| 8                                      | obligations under the Subpoena for this         | 9                                      |   |
| 9                                      | deposition. We will not make Ms. Wilbert        | 10                                     |   |
| 10                                     | available again.                                | 11                                     |   |
| 11                                     | (At 2:35 p.m., the deposition                   |  |   |
| 12                                     | was concluded. Signature was not waived.)       | 12                                     |   |
| 13                                     |   |  |   |
| 14                                     |   | 13                                     | Date  |
| 15                                     |   | 14                                     |   |
|  |   | 15                                     |   |
| 16                                     |   | I                                      |   |
| 16<br>17                               |   | 16                                     |   |
| 17                                     |   | 16                                     |   |
| 17<br>18                               |   |  |   |
| 17<br>18<br>19                         |   | 17                                     |   |
| 17<br>18<br>19<br>20                   |   | 17<br>18                               |   |
| 17<br>18<br>19<br>20<br>21             |   | 17<br>18<br>19                         |   |
| 17<br>18<br>19<br>20<br>21<br>22       |   | 17<br>18<br>19<br>20                   |   |
| 17<br>18<br>19<br>20<br>21<br>22<br>23 |   | 17<br>18<br>19<br>20<br>21<br>22<br>23 |   |
| 17<br>18<br>19<br>20<br>21<br>22       |   | 17<br>18<br>19<br>20<br>21<br>22       |   |

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|----|--------|------|-------------------|-------|-----|----------|--|
| 1  | ERRATA |      | REASON FOR        | - ~9~ | -10 | 1        | COMMONWEALTH OF PENNSYLVANIA ) ) SS  |
|    | PAGE   | LINE | CHANGE/CORRECTION |       |     | 1        | COUNTY OF ALLEGHENY )  |
| 2  |        |      |                   | -     |     | 3        | CERTIFICATE  I, Karen A. Nickel, a notary public in and  |
| 4  |        |      |                   |       |     |          | for the Commonwealth of Pennsylvania, do hereby  |
| 5  |        |      |                   |       |     |          | certify that the witness, JENNIFER WILBERT, was by me first duly sworn to testify the truth,   |
| 6  |        |      |                   |       |     |          | the whole truth, and nothing but the truth;  |
| 7  |        |      |                   |       |     | 1        | that the foregoing deposition was taken at the time and place stated herein; and that the said |
| 8  |        |      |                   |       |     |          | deposition was recorded stenographically by me   |
| 9  |        |      |                   |       |     | 1        | and then reduced to typewriting under my   |
| 10 |        |      |                   |       |     | 1        | direction, and constitutes a true record of the testimony given by said witness.               |
| 11 |        |      |                   |       |     | 10       | I further certify that I am not a  |
| 12 |        |      | -                 |       |     |          | relative, employee or attorney of any of the parties, or a relative or employee of either      |
| 13 |        |      |                   | -     |     |          | counsel, and that I am in no way interested  |
| 15 |        |      |                   |       |     | 12<br>13 | directly or indirectly in this action.  IN WITNESS WHEREOF, I have hereunto set my             |
| 16 |        |      |                   |       |     |          | hand and affixed my seal of office this 7th day  |
| 17 |        |      |                   |       |     | 14<br>15 | of March 2023.   |
| 18 |        |      |                   |       |     | 16       | (0.17)   |
| 19 |        |      |                   |       |     | 17       | /S/ Karen A. Nickel, Notary Public<br>Registered Professional Reporter                         |
| 20 |        |      |                   |       |     | 18       | Certified Realtime Reporter  |
| 21 |        |      |                   |       |     | 19       | My Commission Expires March 19, 2024   |
| 22 |        |      |                   |       |     | 21       |  |
| 23 |        |      |                   | -     |     | 22       |  |
| 25 |        |      |                   |       |     | 24       |  |
| 23 |        |      |                   |       |     | 25       |  |
|    |        |      |                   |       |     |          |  |

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